

NOTICE OF EXPEDITED RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION III
RULE 317 – HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS
RULE 321 – MUNICIPAL SOLID WASTE LANDFILLS
RULE 360 – NEW SOURCE PERFORMANCE STANDARDS
RULE 370 – FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM
RULE 371 – ACID RAIN
APPENDIX G - INCORPORATED MATERIALS

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
Rule 317 Index	Amend
Rule 317 § 100	Amend
Rule 317 § 200	Amend
Rule 317 § 300	Amend
Rule 317 § 400	Amend
Rule 317 § 500	Amend
Rule 321 § Index	Amend
Rule 321 § 100	Amend
Rule 321 § 200	Amend
Rule 321 § 300	Amend
Rule 321 § 400	Add
Rule 321 § 500	Add
Rule 360 § Index	Amend
Rule 360 § 100	Amend
Rule 360 § 200	Amend
Rule 360 § 300	Amend
Rule 360 § 400	Add
Rule 360 § 500	Add
Rule 370 § Index	Amend
Rule 370 § 100	Amend
Rule 370 § 200	Amend
Rule 370 § 300	Amend
Rule 370 § 400	Amend
Rule 370 § 500	Add

Rule 370 § Table I	Amend
Rule 371 § Index	Amend
Rule 371 § 100	Amend
Rule 371 § 200	Add
Rule 371 § 300	Amend
Rule 371 § 400	Add
Rule 371 § 500	Add
Appendix G	Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):

Authorizing Statutes: Arizona Revised Statutes (A.R.S.) § 49-474, § 49-479 and §49-480

Implementing Statutes: Arizona Revised Statutes (A.R.S) § 49-112 and § 49-471.08

3. A list of all previous notices appearing in the Register addressing the expedited rule:

Notice of Rulemaking Docket Opening: 13 A.A.R. 3374, October 05, 2007

4. The name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Cheri Dale or Jo Crumbaker
Maricopa County Air Quality Department (MCAQD)
Address: 1001 N Central Ave., Suite 595
Phoenix, AZ 85004
Telephone: 602-506-3476 or 602-506-6705
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5. An explanation of the rule, including the department's reasons for initiating the rule:

Summary:

The Maricopa County Air Quality Department (MCAQD) is proposing to incorporate by reference federal regulations and documents promulgated by the EPA and published in the Federal Register notices: New Source Performance Standard (NSPS), Nation Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code of Federal Regulations (CFR).

The Maricopa County Air Pollution Control Regulations Rules 317, 321, 360, 370, 371, and Appendix G are proposed to be updated by this incorporation. These rules implement federal requirements according to each federal program identified or applicable source type that is subject to these regulations. In this rulemaking, the

MCAQD is proposing to update the incorporation by reference date for these CFR references to July 1, 2006, update the incorporation by reference date of AP-42; and remove methyl ethyl ketone from the list of federal hazardous air pollutants in Rule 370. Other proposed changes include: update the MCAQD address, correct typographical errors, add text for clarification, change text to ensure consistency in rules' format, and match text with ADEQ's rules at Title 18, Chapter 2. The MCAQD will be requesting delegation of authority for enforcement of the revisions in Rules 317, 321, 360, 370 and 371 from the EPA.

Detailed Explanation of Changes

The Maricopa County Air Quality Department proposes the following changes:

Rule 317, Hospital/Medical/Infectious Waste Incinerators

This proposed incorporation by reference is substantially identical to the ADEQ's Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators Rule, R18-2-732, and 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996. In the EPA's final rulemaking, the EPA corrected an error in wording for CEMS monitoring requirements. Updates to 40 CFR 60 are proposed to be incorporated by reference as of July 1, 2006, and no future editions or amendments. The following changes are also proposed:

Rule 317, Section 102.2.a: Add the word "and" to clarify all the conditions need to be met for the exemption.

Rule 317, Section 102.3: Add "(U.S.C.)"

Rule 317, Section 102.4: Reformat "C.F.R." to "CFR."

Rule 317, Section 102.7: Reformat "C.F.R." to "CFR."

Rule 317, Section 102.8: Add Section 102.8 by moving the exemptions listed in Section 307 for consistency in the location of the exemption listings used throughout the Maricopa County Air Pollution Control Regulations.

Rule 317, Section 102.8(a): Add Section 102.8(a) by moving the exemption listed in Section 307.2 for consistency in the location of the exemption listings used throughout the Maricopa County Air Pollution Control Regulations.

Rule 317, Section 102.8(b): Add Section 102.8(b) by moving the exemption listed in Section 307.1 for consistency in the location of the exemption listings used throughout the Maricopa County Air Pollution Control Regulations.

Rule 317, Section 103: Amend wording to include all CFR subparts available. Update the MCAQD address.

Rule 317, Section 200: Add a sentence explaining location of additional definitions and for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations.

Rule 317, Section 202: Delete "pertaining thereto." Text does not add meaning or clarification to the definition.

Rule 317, Section 205: Delete the definition because the term is not used in this rule. Renumber Sections 205 through 225.

Rule 317, Section 210: Delete wording "and incorporated by reference per Section 301 of this rule." The incorporation by reference is stated in Section 300 of the rule. Reformat "C.F.R." to "CFR."

Rule 317, Section 217: Renumber section and subsection numbers in text to reflect renumbering of definitions.

Rule 317, Section 221: Delete "pertaining thereto." Text does not add meaning or clarification to the definition. Reformat "C.F.R." to "CFR." Renumber section numbers in text to reflect renumbering of definitions.

Rule 317, Section 222: Renumber section numbers in text to reflect renumbering of definitions.

Rule 317, Section 226: Renumber section numbers in text to reflect renumbering of definitions.

Rule 317, Section 301: Reformat "C.F.R." to "CFR."

Rule 317, Section 304: Reformat "C.F.R." to "CFR."

Rule 317, Section 306: Update the incorporation by reference date from "2004" to "2006", reformat "C.F.R." to "CFR" and update the MCAQD address.

Rule 317, Section 307: Move the contents of Section 307 to Section 208, therefore deleting this section.

Rule 317, Section 307.1: Move the contents of Section 307.1 to Section 102.8(a), therefore deleting this section.

Rule 317, Section 307.2: Move the contents of Section 307.2 to Section 102.8(b), therefore deleting this section.

Rule 317, Section 401: Delete the wording "Beginning either September 15, 2000," because the date has passed and is not longer relevant to the rule. Reformat "C.F.R." to "CFR."

Rule 317, Section 501: Reformat "C.F.R." to "CFR."

Rule 317, Section 501.2: Reformat "C.F.R." to "CFR."

Rule 317, Section 502: Reformat "C.F.R." to "CFR."

Rule 317, Section 503: Clarify CFR citation.

Rule 321, Municipal Solid Waste Landfills

This proposed incorporation by reference is substantially identical to the ADEQ's Standards of Performance rules for Existing Municipal Solid Waste Landfills, R18-2-731 and 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills. Updates to 40 CFR 60, Subpart WWW are proposed to be incorporated by reference as of July 1, 2006, and no future editions or amendments. The following changes are also proposed:

Rule 321, Section 103: Update the MCAQD address and reformat "C.F.R." to "CFR."

Rule 321, Section 200: Add a sentence explaining location of additional definitions and for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations.

Rule 321, Section 301: Change the incorporation by reference date from "2004" to "2006." Reformat "C.F.R." to "CFR." Delete "herein." Text does not add meaning or clarification to the definition.

Rule 321, Section 301.1: Reformat "C.F.R." to "CFR."

Rule 321, Section 301.2: Reformat "C.F.R." to "CFR."

Rule 321, Section 301.3: Reformat "C.F.R." to "CFR."

Rule 321, Section 302: Reformat "C.F.R." to "CFR."

Rule 321, Section 400: Add Section 400 and include text for consistency in the Maricopa County Air Pollution Control Regulations.

Rule 321, Section 500: Add Section 500 and include text for consistency in the Maricopa County Air Pollution Control Regulations.

Rule 360, New Source Performance Standards

This proposed incorporation by reference is substantially identical to the ADEQ's Standards of Performance rules R18-2-901 through R18-2-905; 40 CFR 60, Subparts A, AA, AAa, Da, Db, Dc, Eb, GG, CCCC, EEEE, FFFF; and the Clean Air Mercury Rule. Updates to the federal new source performance standards (NSPS) regulations at 40 CFR 60 are proposed to be incorporated by reference as of July 1, 2006, and no future editions or amendments.

40 CFR 60, Subpart A - Standards of Performance for New Stationary Sources General Provisions [Corrected at 71 FR 31100; 6/1/06]. In this final rulemaking, the EPA corrected a minor error in wording from the final rule promulgated on August 10, 2000, revising the monitoring requirements in Performance Specification 1 (PS-1).

40 CFR 60, Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983. **40 CFR Part 60, Subpart AAa** - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 [Amended at 70 FR 8523; 2/22/05]. These two NSPS were originally promulgated on September 23, 1975, and on October 21, 1984, respectively. The EPA amended both NSPS by adding alternative requirements for monitoring emissions from furnace exhausts, made minor editorial and corrected typographical errors.

40 CFR 60, Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978 [Amended at 71 FR 9866; 2/27/06]. Pursuant to the CAA, the EPA reviewed the emission standards for nitrogen oxides (NO_x), sulfur dioxide (SO₂), and particulate matter (PM) emissions from electric utility steam generating units and industrial-commercial-institutional steam generating units. In this rulemaking, the EPA revised the existing standards for NO_x emissions, and SO₂ emissions and PM by lowering the emission limits for the affected NSPS. The EPA made several technical clarifications, added compliance alternatives to the existing provisions of the rules and incorporated the most recent American Society for Testing and Materials (ASTM) testing method references.

[Amended at 71 FR 33388; 06/09/06]. EPS's action issued a final statement to advise that revisions will not be made to the March 29, 2005, final rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List", other than explaining in more detail what is meant by the effectiveness element in the term "necessary". A final decision was made regarding reconsideration of certain issues in the May 18, 2005, final rule entitled "Standards of Performance for New and Existing Utility Steam Generating Units" (Clean Air Mercury Rule (CAMR)). The two substantive

changes made to CAMR involved revisions to the State mercury (Hg) allocations, and to NSPS. Regulatory text clarified the applicability of CAMR to municipal waste combustors (MWC) and certain industrial boilers. See also Subparts Db and HHHH.

40 CFR 60, Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units [Amended at 71 FR 9866; 02/27/06]. This NSPS limits SO₂ and PM emissions from the combustion of fossil fuels, as well as the combustion of fossil fuels with other fuels. The EPA made several technical clarifications, added compliance alternatives to the existing provisions of the rules and incorporated the most recent ASTM testing method references.

[Amended at 71 FR 33388; 06/09/06]. This action's purpose is to advise that revisions will not be made to the March 29, 2005, final rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List", other than explaining in more detail what is meant by the effectiveness element in the term "necessary". A final decision is also being made regarding reconsideration of certain issues in the May 18, 2005, final rule entitled "Standards of Performance for New and Existing Utility Steam Generating Units" (Clean Air Mercury Rule (CAMR)). The only two substantive changes made to CAMR involved revisions to the State mercury (Hg) allocations, and to the NSPS. Regulatory text is also being finalized that clarifies the applicability of CAMR to municipal waste combustors (MWC) and certain industrial boilers. See also Subparts Db and HHHH.

40 CFR 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [Amended at 71 FR 9866; 02/27/06]. This NSPS limits SO₂ and PM emissions from the combustion of fossil fuels, as well as the combustion of fossil fuels with other fuels. The EPA made several technical clarifications, added compliance alternatives to the existing provisions of the rules and incorporated the most recent ASTM testing method references.

40 CFR 60, Subpart Eb - Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors [Amended at 71 FR 27324; 5/10/06]. In this rulemaking, the EPA revised the NSPS at 40 CFR 60, Subpart Eb to revise the emission limits for cadmium, lead, mercury, and particulate matter. The compliance testing provisions were revised to require increased data availability from continuous emissions monitoring systems (CEMS), and to allow the optional use of CEMS to monitor particulate matter and mercury. The EPA also revised 40 CFR 60, Subpart E - Standards of Performance for Incinerators, to clarify the applicability of this subpart. Finally, the EPA revised 40 CFR 60, Subpart Cb - Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994. The MCAQD does not have any facilities that are subject to this emission guideline (EG).

40 CFR 60, Subpart GG - Standards of Performance for Stationary Gas Turbines [Amended at 69 FR 41346; 7/8/04]. The EPA promulgated the NSPS for stationary gas turbines on 9/10/79. These amendments to the stationary gas turbine NSPS codify several alternative testing and monitoring procedures that have routinely been approved by the EPA. In addition, the amendments also reflect the change in NO_x emission control technologies and turbine design since the NSPS was promulgated. Note: The EPA has promulgated additional amendments to 40 CFR Part 60, Subpart GG in 71 FR 9453; 2/24/06, which clarify certain provisions concerning monitoring methods from the July 8, 2004, amendments to 40 CFR Part 60, Subpart GG.

40 CFR 60, Subpart CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced after November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001 [Amended at 70 FR 55568; 9/22/05]. With this rulemaking, the EPA completed its reconsideration of certain regulatory definitions that determine the type of sources subject to the EPA's NSPS and EG for commercial and industrial solid waste incinerations (CISWI) units under Section 129 of the CAA. The MCAQD is incorporating by reference the revisions to the definitions made by the EPA to 40 CFR Part 60, Subpart CCCC, as they existed in the CFR on July 1, 2006, into Rule 360. The MCAQD does not have any facilities that are subject to the EG for 40 CFR 60, Subpart DDDD—Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.

40 CFR 60, Subpart EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 and Part 60, Subpart FFFF Emissions Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004 [Added at 70 FR 74870; 12/16/05]. The EPA promulgated NSPS and EG for new and existing “other” solid waste incineration units (OSWI), identified as small municipal waste combustion units and institutional waste incineration units. This regulation includes air curtain incinerators that burn less than 35 tons per day of non-hazardous solid waste material. The final rules for OSWI units fulfill the requirements of Sections 111 and 129 of the CAA, which require the EPA to promulgate NSPS and EG for solid waste incineration units

Clean Air Mercury Rule (CAMR) - Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units [Added and Revised at 70 FR 28606; 5/18/05]. With this rulemaking, the EPA established standards of performance limiting mercury emissions from new and existing coal-fired power plants and created a market-based cap-and-trade program that will reduce nationwide utility emissions of mercury in two distinct phases. The MCAQD does not have jurisdiction over coal fired electrical generating stations (§ 49-402(A)(4)). Coal fired electrical generating stations are the jurisdiction of the state of Arizona. Therefore, the MCAQD will not be promulgating rules implementing 40 CFR 60, Subpart HHHH, the EG for

existing sources. In the May 18, 2005, rulemaking, the EPA also revised 40 CFR 60, Subpart Da to add standards for mercury. In addition, the EPA revised provisions in 40 CFR 72 and 75, the Acid Rain Program. Finally, the EPA revised the following appendices: 40 CFR 60, Appendix B and 40 CFR 75, Appendices A, B, F and K. In addition, the EPA promulgated technical corrections to 40 CFR 60, Subpart Da and 40 CFR 75, on August 30, 2005, 70 FR 51266. The EPA also published a "notice of reconsideration of final rule; request for public comment; notice of public hearing" due to their receipt of four petitions for reconsideration of certain aspects of the clean air mercury rule on October 28, 2005, 70 FR 62213. On 6/9/06, 71 FR 33388, the EPA promulgated its final action on the petitions for reconsideration. After review of the petitions for reconsideration, the EPA concluded that one clarification and two revisions to the clean air mercury rule were warranted, revising 40 CFR 60, Subparts B, Da, Db, and HHHH. The MCAQD is incorporating by reference the revisions to 40 CFR 60, Subparts B, Da, Db, and 40 CFR 72 and 75, and the noted appendices, as they existed in the CFR on July 1, 2006. The following changes are also proposed:

Rule 360, Section 102: Reformat "C.F.R." to "CFR".

Rule 360, Section 103: Update the MCAQD address and reformat "C.F.R." to "CFR".

Rule 360, Section 104: Clarify the department responsible for enforcing the delegated air quality rules. Delete "heretofore", "time to time" and "hereof." Text does not add meaning or clarification to the rule.

Rule 360, Section 200: Add a sentence explaining location of additional definitions and for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations.

Rule 360, Section 301: Update the incorporation by reference date and add language to maintain consistency with language used by the ADEQ in R18-2-901.

Rule 360, Section 301.13: Change the regulation title wording to be identical with the subpart title used in 40 CFR 60 Subpart I and ADEQ in R18-2-901.13.

Rule 360, Section 301.77: Add Section 301.77 to list 40 CFR 60 SUBPART EEEE.

Rule 360, Section 301.78: Add Section 301.78 to list 40 CFR 60 SUBPART FFFF.

Rule 360, Section 302.1: Update the MCAQD address.

Rule 360, Section 400: Add a new section header for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations Section.

Rule 360, Section 500: Add a new section header for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations Section.

Rule 370, Federal Hazardous Air Pollutant Program

This proposed incorporation by reference is substantially identical to the ADEQ's National Emission Standards for Hazardous Air Pollutants rules R18-2-1101 through R18-2-1102; 40CFR 61 Subpart M; and 40 CFR 63 Subparts A, B, C, G, L, N, Q, R, KK, XX, YY, EEE, GGG, QQQ, RRR, UUU, DDDD, FFFF, GGGG, KKKK, OOOO, TTTT, UUUU, WWWW, YYYYY, CCCCC, DDDDD, EEEEE, HHHHH, LLLLL, NNNNN, SSSSS. Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63 are proposed to be incorporated by reference as of July 1, 2006, and no future editions or amendments.

40 CFR 61, Subpart M - National Emission Standard for Asbestos [Amended at 69 FR 43322; 7/20/04]. In these amendments, the EPA corrected typographical errors in Table 1 of 40 CFR 61.156 and removed the OSHA permissible exposure level limit (PEL) from the table. The NESHAP will not reference the OSHA PEL but will reference the OSHA regulation which includes the OSHA PEL for asbestos.

40 CFR 63, Subpart A - National Emission Standards for Hazardous Air Pollutants: General Provisions [Amended at 71 FR 20446; 4/20/06]. In this rulemaking, the EPA promulgated amendments to certain aspects of startup, shutdown, and malfunction (SSM) requirements affecting sources subject to the NESHAP in response to a July 29, 2003, petition to reconsider certain aspects of amendments to the NESHAP General Provisions published on May 30, 2003. The final rule removed the requirement that the SSM plan be followed and allowed emissions to be addressed during periods of SSM. The amendments clarified the reporting and recordkeeping requirements during periods of SSM.

40 CFR 63, Subpart B - National Emission Standards for Hazardous Air Pollutants: Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j) [Amended at 70 FR 39662; 7/11/05]. In this rulemaking, the EPA amended Table 1 to Subpart B of 40 CFR 63 to reflect the revised deadlines in a recently amended consent decree.

40 CFR 63, Subpart C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List [Amended at 70 FR 75047; 12/19/05]. In this rulemaking, the EPA amended the list of hazardous air pollutants (HAP) contained in Section 112 of the CAA, by removing the compound methyl ethyl ketone (MEK) (2-Butanone) (CAS No. 78-93-3).

40 CFR 63, Subpart G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and

Wastewater [Amended at 69 FR 76859; 12/23/04]. In this rulemaking, the EPA amended this NESHAP to allow vapor balancing in conjunction with the use of a pressure setting to comply with the storage tank control requirements.

40 CFR 63, Subpart L - National Emission Standards for Coke Oven Batteries [Amended at 70 FR 19992; 4/15/05]. The EPA promulgated the NESHAP for coke oven batteries on October 27, 1993. This final rulemaking amends the NESHAP to address residual risks under Section 112(f) of the CAA and the 8-year review requirements of Section 112(d)(6) of the CAA.

40 CFR 63, Subpart N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [Amended at 69 FR 42885; 7/19/04]. The EPA promulgated the NESHAP for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks under Section 112 of the CAA on January 25, 1995. This rulemaking promulgates amendments to the emission limits, definitions, compliance provisions and performance test requirements in the standards for chromium emissions from hard and decorative chromium electroplating and anodizing tanks.

40 CFR 63, Subpart Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers [Amended at 71 FR 17729; 4/7/06]. These final rule amendments amend the applicability Section of 40 CFR 63, Subpart Q. The amendments stipulate that sources operated with chromium-based water treatment chemicals are subject to this standard; other industrial process cooling towers are not covered.

40 CFR 63, Subpart R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) [Amended at 71 FR 17352; 4/6/06]. With this action, the EPA finalized the decision stated in the August 10, 2005, proposed rulemaking not to revise 40 CFR 63, Subpart R. The EPA also amended a reference error in 40 CFR 63.428.

40 CFR 63, Subpart KK - National Emission Standards for the Printing and Publishing Industry [Amended at 71 FR 29792; 5/24/06]. In this rulemaking, the EPA amended the NESHAP for the printing and publishing industry. These amendments revise specific provisions in 40 CFR 63, Subpart KK to resolve issues and questions raised after promulgation of the final rule and to correct errors in the regulatory text. In this rulemaking, the EPA also amended 40 CFR 63, Subpart JJJJ and 40 CFR 63, Subpart OOOO, to clarify the interaction between these rules and the Printing and Publishing Industry NESHAP.

40 CFR 63, Subpart XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations. **Part 63, Subpart YY** - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [Amended at 70 FR 19266; 4/13/2005]. These direct final rule amendments clarify the compliance requirements for benzene waste streams,

clarify the requirements for heat exchangers and heat exchanger systems, and stipulate the provisions for offsite waste transfer in the national emission standards for ethylene manufacturing process units. The amendments also correct the regulatory language that make emissions from ethylene cracking furnaces during decoking operations an exception to the provisions, and delineate overlapping requirements for storage vessels and transfer racks.

40 CFR 63, Subpart EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors [Amended at 70 FR 34538; 6/14/2005]. In the June 14, 2005, rulemaking, the EPA amended some of the testing and monitoring requirements for certain CAA regulations that relate to hazardous waste combustors [Amended at 70 FR 59402; 10/12/05]. The October 12, 2005 rulemaking finalized NESHAP for HAPs for hazardous waste combustors, hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. This rulemaking revises the emissions limits and certain compliance and monitoring provisions of Subpart EEE for incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste. These amendments also establish maximum achievable control technology (MACT) standards for boilers and hydrochloric acid production furnaces that burn hazardous waste [Amended at 70 FR 75042; 12/19/05]. The 12/19/05 rulemaking amends the October 12, 2005, amendments to Subpart EEE, by correcting an error from the October 12, 2005, rulemaking concerning compliance dates for incinerators, cement kilns, and lightweight aggregate kilns [Amended at 71 FR 14655; 3/23/06]. With this March 23, 2006, rulemaking, the EPA issued an administrative stay of one requirement of the October 12, 2005, NESHAP. The EPA stayed the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste until June 23, 2006. The EPA published a final rule at 71 FR 62388, October 25, 2006, further suspending the obligation of new cement kilns to comply with the particulate matter standard until the EPA takes final action on this issue.

40 CFR 63, Subpart GGG - National Emission Standards for Pharmaceuticals Production [Amended at 70 FR 25666; 5/13/2005]. In this rulemaking, the EPA amended provisions of the pharmaceuticals production NESHAP. These direct final rule amendments include provisions for planned routine maintenance of wastewater tanks, alternative monitoring provisions for caustic scrubbers and condensers, and references general standards for containers.

40 CFR 63, Subpart QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting [Amended at 70 FR 40672; 7/14/05]. In the rulemaking, the EPA amended the NESHAP for primary copper smelting to correct the monitoring and recording requirements for control systems other than baghouses and venturi wet scrubbers.

40 CFR 63, Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [Amended at 69 FR 53980; 9/3/2004 and Amended at 70 FR 57513; 10/3/05]. The EPA promulgated the NESHAP for secondary aluminum production under Section 112 of the CAA on March 23, 2000. On September 24,

2002, and December 30, 2002, the EPA published final amendments to the NESHAP based on two separate settlement agreements. The September 3, 2004, amendments clarify the units of measure for dioxins/furans, amending definitions for clarification, specify testing requirements for dross-only furnaces, amend the semi-annual reporting requirements, and improve understanding of the rule requirements as promulgated. The October 3, 2005, amendments correct a punctuation error in the definition of "clean charge" previously promulgated in the December 30, 2002, amendments, and a typographical error in the operating temperature of a scrap dryer/delacquering kiln/decoating kiln afterburner.

40 CFR 63, Subpart UUU - National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units [Amended at 70 FR 6930; 2/9/05]. With this action, the EPA promulgated amendments to several sections of this NESHAP for the control of HAPs emitted from catalytic cracking units, catalytic reforming units, and sulfur recovery units at petroleum refineries. The EPA amendments change the affected source designations, add new compliance options for different types of emission control systems on catalytic reforming units, provides for monitoring alternatives for catalytic cracking units and catalytic reforming units, and adds a new procedure for determining the metal or total chloride concentration on catalyst particles. The amendments also defer technical requirements for most continuous parameter monitoring systems, clarify testing and monitoring requirements, and make editorial corrections.

40 CFR 63, Subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products [Added at 69 FR 45944; 7/30/04]. The EPA promulgated the NESHAP for the plywood and composite wood products source category under the CAA by implementing Section 112(d) of the CAA which requires all major sources subject to this NESHAP to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). HAPs emitted by the plywood and composite wood products industry include, but are not limited to, acetaldehyde, acrolein, formaldehyde, methanol, phenol, and propionaldehyde. With this action, the EPA also amended the list of categories that was developed pursuant to Section 112(c)(1) of the CAA. The EPA delisted a low-risk subcategory of the plywood and composite wood products source category. To be included in the delisted low-risk subcategory, the source must have a low-risk demonstration approved by the EPA and federally enforceable conditions reflecting the parameters used in the EPA-approved demonstration incorporated into the Title V permit [Amended at 71 FR 8342; 2/16/06]. In the 2/16/06 rulemaking, the EPA promulgated revisions to the plywood and composite wood products NESHAP in response to a petition for reconsideration of certain aspects of the final NESHAP. The EPA is also responding to concerns expressed by some stakeholders concerning the July 30, 2004, final rulemaking.

40 CFR 63, Subpart FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Amended at 70 FR 38554; 7/1/05]. In the July 1, 2005, rulemaking, the EPA amended the miscellaneous organic chemical manufacturing NESHAP by clarifying the compliance requirements for flares and the alternative standard, which limits outlet concentration to 20 parts per million (ppm). The EPA also amended the

NESHAP by extending the vapor balancing alternative to cover transfers from barges to storage tanks, amended the procedures for correcting measured concentrations at the outlet of combustion devices to correct for dilution by supplemental gas, and clarified the signature requirements for the notification of compliance status reports. In this direct final rule, the EPA also clarified the definition of the term continuous process vent, and corrected several referencing and drafting errors [Amended at 70 FR 51269; 8/30/05]. In the August 30, 2005, rulemaking, the EPA promulgated a partial withdrawal of the July 1, 2005, direct final rule (amendments to 40 CFR 63.2485(c)(4) and Table 1 of Subpart FFFF) due to adverse comments received. On December 8, 2005, 70 FR 73098, the EPA proposed revisions to this NESHAP in response to a settlement agreement. Due to the proposed amendments, on March 1, 2006, the EPA extended the compliance date for existing affected sources to November 10, 2006, 71 FR 10439. Note: On July 14, 2006, 71 FR 40316, the EPA promulgated final amendments to clarify applicability of subpart FFFF, provide additional compliance options, modify initial and continuous compliance requirements, and simplify recordkeeping and reporting requirements, which is not included in this rulemaking.

40 CFR 63, Subpart GGGG - National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production [Amended at 69 FR 53338; 9/1/04]. In this rulemaking, the EPA amended the compliance requirements for vegetable oil production processes that exclusively use a qualifying low-hazardous air pollutant extraction solvent.

40 CFR 63, Subpart KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [Amended at 71 FR 1378; 1/6/06]. In this rulemaking, the EPA promulgated amendments to resolve inconsistencies and clarify rule language of 40 CFR 63, Subpart KKKK. According to the EPA, none of the amendments have any discernable effect on the stringency of the rule.

40 CFR 63, Subpart OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles [Amended at 69 FR 47001; 8/4/04]. The EPA issued the NESHAP for printing, coating, and dyeing of fabrics and other textiles under Section 112 of the CAA on May 29, 2003. In this rulemaking, the EPA amended the NESHAP to clarify the applicability of the fabric NESHAP to coating, slashing, dyeing, or finishing operations at synthetic fiber manufacturing facilities where the fibers are the final product of the facility.

40 CFR 63, Subpart TTTT - National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations [Amended at 70 FR 6355; 2/7/05]. With these amendments to the NESHAP for leather finishing operations, the EPA clarified the frequency for categorizing leather product process types, modified the definition of "specialty leather", added a definition for "vacuum mulling", and added an alternative procedure for determining the actual monthly solvent loss from an affected source.

40 CFR 63, Subpart UUUU - National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing [Amended at 70 FR 36523; 6/24/05]. With this amendment, the EPA corrected the date in the definition of a process change that was included in the final cellulose products manufacturing NESHAP. With this change, process will change implemented in January 1991 and later can qualify as process will change for compliance purposes [Amended at 70 FR 46684; 8/10/05]. With this rulemaking, the EPA revised the work practice standards, general and initial compliance requirements, definitions, and General Provisions applicability of the cellulose products manufacturing NESHAP. The amendments also correct typographical, formatting, and cross-referencing errors in the final rule.

40 CFR 63, Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production [Amended at 70 FR 50118; 8/25/05]. These direct final rule amendments revise compliance options for open molding, correct errors, and add clarification to sections of the NESHAP for reinforced plastic composites production.

40 CFR 63, Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [Final rule; stay, 69 FR 51184; 8/18/04]. With this rulemaking, the EPA issued a "stay" on the effectiveness of two subcategories of the NESHAP for stationary combustion turbines: lean premix gas-fired turbines and diffusion flame gas-fired turbines. Pending the outcome of the EPA's proposal to delete these subcategories from the source category list, the EPA is staying the effectiveness of the emissions and operating limitations in these two subcategories of the NESHAP for stationary combustion turbines.

40 CFR 63, Subpart CCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks [Amended at 69 FR 60813; 10/13/04]. With this rulemaking, the EPA amended the parametric operating limits and associated compliance provisions for capture systems used to control emissions from pushing. The EPA also amended the requirements for mobile scrubber cars that capture emissions which occur during pushing and travel. Note: Due to the receipt of an adverse comment, the EPA subsequently withdrew provisions related to the operation and maintenance requirements at 40 CFR 63.7300(c)(1) (70 FR 1670, 1/10/05). In a final rulemaking published on August 2, 2005, 70 FR 44285, the EPA promulgated this previously withdrawn amendment with some revisions.

40 CFR 63, Subpart DDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters [Added at 69 FR 55218; 9/13/04]. With this rulemaking, the EPA added a NESHAP for industrial, commercial, and institutional boilers and process heaters. The EPA has identified industrial, commercial, and institutional boilers and process heaters as major sources of HAPs emissions. The final rule requires all major sources to meet to meet HAP emissions standards reflecting the application of the MACT. The HAP emitted by facilities in the boiler and process heater source category include arsenic, cadmium, chromium, hydrogen chloride, hydrogen fluoride, lead, manganese, mercury, nickel, and various organic HAP. The

final NESHAP contains numerous compliance provisions including health-based compliance alternatives for the hydrogen chloride and total selected metals emission limits. Note: On December 28, 2005, 70 FR 76918, the EPA promulgated amendments to this NESHAP. The EPA made a limited number of amendments to 40 CFR 63.7507 and Appendix A to improve and clarify the process for demonstrating eligibility to comply with the health-based compliance alternatives contained in the September 13, 2004, final rule.

40 CFR 63, Subpart EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [Amended at 70 FR 29400; 5/20/05]. On 4/22/04, the EPA issued a NESHAP to control HAPs emitted from iron and steel foundries. In this May 20, 2005, rulemaking, the EPA amended the work practice requirements for materials certification and scrap selection/inspection programs. These direct final amendments add clarification and flexibility, but do not materially change the requirements of the iron and steel foundries NESHAP.

40 CFR 63, Subpart HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Amended at 70 FR 25676; 5/13/05]. With the rulemaking, the EPA amended this NESHAP to provide additional compliance options and clarifications. Specifically, the direct final rule amendments specify that compliance with a percent reduction emission limit may be demonstrated by measuring total organic compounds, compliance with the weight percent HAP limit in coatings products may be demonstrated based on formulation data, and the cover or lid on a process vessel may be opened for material additions and sampling. The amendments also clarify the requirements for cleaning operations, the compliance date for equipment that is added to an existing source, the conditions under which you must determine whether an emission stream is a halogenated vent stream, and the terminology used to describe the emission limits for process vessels. The amendments also revise the definition of Group 2 transfer operations to clarify that all product loading operations are part of the miscellaneous coating manufacturing affected source and, thus, are not subject to the organic liquid distribution NESHAP. Note: On July 6, 2005, 70 FR 38780, the EPA withdrew the amendment to 40 CFR 63.8055(b)(4) included in the May 13, 2005, rulemaking, because an adverse comment was received on this amendment. The amendment to 40 CFR 63.8055(b)(4) allowed compliance with the weight percent HAP limit in coating products to be demonstrated based on formulation data. On December 21, 2005, 70 FR 75924, the EPA issued a final amendment to 40 CFR 63.8055(b)(4), specifying that certain raw material formulation data as supplied to coating manufacturers may be used to demonstrate compliance with the weight percent HAP limit.

40 CFR 63, Subpart LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing [Amended at 70 FR 28360; 5/17/05]. With this rulemaking, the EPA amended the NESHAP for asphalt processing and asphalt roofing manufacturing. These amendments correct minor errors, and add a clarifying exemption inadvertently omitted in the final rule.

40 CFR 63, Subpart NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production [Amended at 71 FR 17745; 4/7/06]. This rulemaking finalizes amendments to the NESHAP for hydrochloric acid (HCl) production facilities, including HCl production at fume silica facilities. These final rule amendments clarify certain applicability provisions, emission standards, and testing, maintenance, and reporting requirements, as well as correct several omissions.

40 CFR 63, Subpart SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing [Amended at 71 FR 7415; 2/13/06]. With these final rule amendments, the EPA clarified the testing and monitoring requirements and startup and shutdown requirements for batch processes, made certain technical corrections, and added recent will change to be consistent with the NESHAP General Provisions. However, due to the receipt of an adverse comment, the EPA withdrew the February 13, 2006, direct final rule amendments in 71 FR 19435, 4/14/06.

40 CFR 63, Subpart M, N, O, T, and RRR - Exemption of Certain Area Sources From Title V Operating Permit Programs [70 FR 75320; 12/19/05]. In this rulemaking, the EPA finalized permanent exemptions from the Title V operating permit program for five categories of nonmajor (area) sources that are subject to the NESHAP. The EPA made a finding that compliance with Title V permitting requirements for these five categories is impracticable, infeasible, or unnecessarily burdensome on the source categories. The five source categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers and secondary aluminum smelters. The following changes are also proposed:

Rule 370, Section 102: Clarify of the department responsible for enforcing the delegated air quality rules.

Rule 370, Section 103: Update the MCAQD address. Reformat "C.F.R." to "CFR."

Rule 370, Section 104: Clarify the department responsible for enforcing the delegated air quality rules. Reformat "C.F.R." to "CFR." Delete the wording "heretofore", "may be" and "from time to time." Text does not add meaning or clarification to the rule. Update the incorporation by reference date from "2004" to "2006."

Rule 370, Section 200: Add a sentence explaining location of additional definitions and for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations.

Rule 370, Section 201 Delete the wording "such as those listed in 40 CFR 61.04(c)(9) and 40 CFR63.91(g)(2)(i)," to eliminate confusion with applicability of sections of rules.

Rule 370, Section 202: Correct capitalization error.

Rule 370, Section 205: Correct capitalization error.

Rule 370, Section 209: Delete the incorporation by reference date. Reformat "C.F.R." to "CFR."

Rule 370, Section 301: Update the incorporation by reference date from "2004" to "2006." Add wording for consistency with the language used by the ADEQ in R18-2-1101. Reformat "C.F.R." to "CFR."

Rule 370, Section 301.8.a: Reformat "C.F.R." to "CFR."

Rule 370, Section 301.8.a(1): Reformat "C.F.R." to "CFR."

Rule 370, Section 301.8.a(2): Change the section number from 301.8.a(2) to 301.8.a(3) to clarify sequencing of events.

Rule 370, Section 301.8.a(3): Change the section number from "301.8.a(3) to 301.8.a(4) to clarify sequencing of events.

Rule 370, Section 301.8.a(4): Change the section number from 301.8.a(4) to 301.8.a(2) by moving this section to provide clarification of sequencing of events. Add the wording "for the presence of asbestos, including Category I and Category II nonfriable ACM." to clarify the purpose of the inspection.

Rule 370, Section 301.8.b(1)(b): Add wording to clarify the when the record retention time frame starts. Add wording to specify when records are to be available for inspection.

Rule 370, Section 301.8.b(2)(c): Add punctuation to specifically call out the exceptions and the conditions that must be met in order to claim an exemption. Add the wording to clarify exemptions. Rearrange the sequencing of sentences to distinguish the exemptions from normal operations.

Rule 370, Section 302: Update the incorporation by reference date from "2004" to "2006." Add wording for consistency with the language used by the ADEQ in R18-2-1101. Reformat "C.F.R." to "CFR." Delete the wording "herein." Text does not add meaning or clarification to the rule.

Rule 370, Section 302.3: Delete the wording "includes amendments adopted as of November 29, 2004" because date has passed.

Rule 370, Section 302.62: Renumber Section 302.62 to 302.63 and renumber the remaining sections for proper sequencing.

Rule 370, Section 302.62: Add Section 302.62 to include 40 CFR 63 Subpart DDDD.

Rule 370, Section 302.87: Add Section 302.87 to include 40 CFR 63 Subpart DDDDD. Renumber the remaining sections for proper sequencing.

Rule 370, Section 303.1: Update the MCAQD address and reformat "C.F.R." to "CFR."

Rule 370, Section 401: Reformat "C.F.R." to "CFR." Add the word "through" to clarify the adopted regulations.

Rule 370, Section 402: Reformat "C.F.R." to "CFR." Add the word "through" to clarify the adopted regulations.

Rule 370, Section 500: Add a new section header for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations Section.

Rule 370, Table I A: Remove "CAS No. 78-93-3 Methyl ethyl ketone (2-Butanone)" from the hazardous air pollutant table because it was delisted on the federal list of hazardous air pollutants.

Rule 370, Table I B: Amend footnote B [4] by removing the text "Limited to, or refers to, products from incomplete combustion of organic compounds and pyrolysis processes." because it is not included in the Clean Air Act, Section 112(b)(1).

Rule 371, Acid Rain

This proposed incorporation by reference is substantially identical to the ADEQ's Acid Rain Rule, R18-2-333 and 42 CFR 72, 74, 75, 76, and Acid Rain. Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76 are proposed to be incorporated by reference as of July 1, 2006, and no future editions or amendments.

40 CFR 72, 74, 75 and 76, Acid Rain - Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clear Air Interstate Rule (CAIR)); Revisions to Acid Rain Program; Revisions to the NO_x SIP Call [Revised at 70 FR 25162; 5/12/05]. In this final rulemaking, the EPA required 28 upwind states to revise their SIP to include control measures to reduce emissions of sulfur dioxide (SO₂) and/or nitrogen oxides (NO_x), because these compounds are precursors to ozone and/or PM_{2.5} formation. Affected states must achieve the required emission reductions using one of two compliance options. Option 1: States may choose to meet the state's emission budget by requiring power plants to participate in an EPA-administered interstate cap and trade system that caps emission in two stages. Option 2: States may meet an individual state emission budget. The State of Arizona is not included in the list of 28 states subject to the CAIR. However, the CAIR includes revisions to the Acid Rain Program regulations, particularly the regulatory provisions governing the SO₂ cap

and trade program. In addition, the CAIR provides for the NO_x SIP Call Cap and Trade Program to be replaced by the CAIR ozone-season NO_x trading program. On 4/28/06, 71 FR 25328, the EPA promulgated additional revisions to the CAIR. The April 28, 2006, revisions include additional revisions to the Acid Rain Program at 40 CFR 72, 73, 74, and 78. In this rulemaking, the MCAQD is incorporating by reference revisions to 40 CFR 72 and 74 promulgated by the EPA in the CAIR. The following changes are also proposed:

Rule 371, Section 102: Add wording for consistency with the language used by the ADEQ in R18-2-1101. Reformat "C.F.R." to "CFR."

Rule 371, Section 104: Update the incorporation by reference date from "2004" to "2006", reformat "C.F.R." to "CFR", and update the MCAQD address.

Rule 371, Section 200: Add a sentence explaining location of additional definitions for consistency with the language used throughout the Maricopa County Air Pollution Control Regulations.

Rule 371, Section 301: Update the incorporation by reference date from "2004" to "2006" and add wording to be consistent with the language used by the ADEQ in R18-2-333. Reformat "C.F.R." to "CFR."

Rule 371, Section 302: Add wording for clarification for source of regulatory requirements.

Rule 371, Section 400: Add wording for consistency in the Maricopa County Air Pollution Control Regulations.

Rule 371, Section 500: Add wording for consistency in the Maricopa County Air Pollution Control Regulations.

Appendix G, Incorporated Materials

This proposed incorporation by reference is substantially identical to the ADEQ's Appendix 2, Test Methods and Protocols; ADEQ's R18-2-102, Incorporated Materials; 40 CFR 51, Appendices S and W; and 40 CFR 60 Appendix A. Updates to the Code of Federal Regulations referenced in this appendix are proposed to be incorporated by reference as of July 1, 2006. Updates to AP-42 are proposed to be incorporated by reference as of January 31, 2007, and no future editions or amendments.

40 CFR 51, Appendix S - Emission Offset Interpretative Ruling [Amended at 70 FR 71612; 11/29/05]. In the Final Rule to Implement the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS), promulgated by the EPA on November 29, 2005, the EPA finalized previously proposed changes to three regulations that govern major New Source Review (NSR) permitting of major stationary sources in nonattainment areas, including changes to 40 CFR 51, Appendix S. Appendix S contains the preconstruction permitting program that applies to major stationary sources in nonattainment areas lacking an approved Part D NSR program. It applies

during the interim period after the EPA designates an area as nonattainment, but before the EPA approves a State Implementation Plan (SIP) to implement the nonattainment NSR requirements for that pollutant (SIP development period). The EPA revised 40 CFR 51, Appendix S to incorporate the major stationary source thresholds, significant emission rates, and offset ratios pursuant to Part D of Title I of the Clean Air Act (CAA), as amended in 1990, for the 8-hour ozone NAAQS, the CO NAAQS, and the PM₁₀ NAAQS. In addition, the EPA finalized revisions to Section VI of Appendix S, to qualify applicability of this section. The EPA removed an outdated exemption for sources increasing emissions less than 50 tons per year (tpy).

40 CFR 51, Appendix W - Guideline on Air Quality Models [Amended at 70 FR 68218; 11/9/05]. The EPA's Guideline on Air Quality Models ("Guideline") addresses the regulatory application of air quality models for assessing criteria pollutants under the CAA. In this final rulemaking, the EPA promulgated several additions and changes to the Guideline. The EPA adopted a new dispersion model—American Meteorological Society and the EPA Regulatory Model (AERMOD)—into Appendix A of the Guideline. AERMOD replaces the Industrial Source Complex (ISC3) model, applies to complex terrain, and incorporates a new downwash algorithm—Plume Rise Model Enhancements (PRIME). The EPA removed the Emissions Dispersion Modeling System (EDMS) from Appendix A. Editorial changes were made to 40 CFR 51, Appendix W, to update and reorganize information.

40 CFR 60, Appendix A - Update of Continuous Instrumental Test Methods [Amended at 71 FR 28082; 5/15/06]. EPA Test Methods 3A, 6C, 7E, 10, and 20 are instrumental procedures used to measure oxygen, carbon dioxide, sulfur dioxide, nitrogen oxides, and carbon monoxide emissions in stationary sources. In this rulemaking, the EPA updated these five instrumental test methods. The EPA finalized this rulemaking to improve the test methods by simplifying, harmonizing, and updating their procedures. According to the EPA, a large number of industries are already subject to provisions that require the use of these methods. The following changes are also proposed:

1. Amend the language under Section 1, to clarify federal materials incorporated by reference in this section, and to correct a typographical error. Update the incorporation by reference date of the CFR materials to 2006. Update the Continuous Instrumental Test Methods rule and the EPA Test Methods 3A, 6C, 7E, 10, and 20. Delete wording for consistency in the Maricopa County Air Pollution Control Regulations.
2.
 - a. Delete wording for consistency in the Maricopa County Air Pollution Control Regulations.
 - b. Delete wording for consistency in the Maricopa County Air Pollution Control Regulations.
 - c. Amend the language to clarify the publisher information for the manual.
 - d. Amend the language to include revisions to AP-42 as of January 31, 2007, and add wording for consistency in the Maricopa County Air Pollution Control Regulations. Update the incorporation by reference date of the CFR materials to 2006.

3. Change wording for consistency in the Maricopa County Air Pollution Control Regulations and corrected a typographical error. Footnote Paragraph, Change the word "standards" to "incorporated materials", correct formatting errors, and update the MCAQD address.

6. Demonstration of compliance with A.R.S. §49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the requirements of A.R.S. § 49-112.

A.R.S. § 49-112 (A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - a. Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible; or
 - b. Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

A.R.S. § 49-112(A)

The MCAQD is in compliance with A.R.S. § 49-112(A) in that the MCAQD is proposing to adopt revisions to Rules 317, 321, 360, 370, 371 and Appendix G that are not more stringent than nor in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of the ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49, therefore no demonstration under A.R.S. § 49-112 is necessary. The revisions to Rules 317, 321, 360, 370, 371 and Appendix G are being proposed to reflect revisions to federal regulations and documents promulgated by the EPA and published in the Federal Register notices cited in Section 5 of this rulemaking. Other proposed changes made are typographical errors, technical corrections, and language clarifications.

A.R.S. § 49-112(B)

The A.R.S. § 49-112(B) demonstration does not apply because these particular rules are in the portion of the Maricopa County's air quality program that is administered under direct statutory authority. Therefore, these rules are not being adopted or revised in lieu of a state program.

A.R.S. § 49-471.08(A)(1)

Demonstration that the rule or ordinance making is substantially identical to the sense, meaning and effect of the federal or state rule or law from which it is derived.

Rule 317 is substantially identical to the ADEQ's Standards of Performance for Existing Hospital/Medical/Infectious Waste Incinerators Rule, R18-2-732. Rule 321 is substantially identical to the ADEQ's Standards of Performance for Existing Municipal Solid Waste Landfills, R18-2-731. Rule 360 is substantially identical to the ADEQ's Standards of Performance rules, R18-2-901 through R18-2-905. Rule 370 is substantially identical to the ADEQ's National Emission Standards for Hazardous Air Pollutants rules, R18-2-1101 through R18-2-1102. Rule 371 is substantially identical to the ADEQ's Acid Rain Rule, R18-2-333. Appendix G is substantially identical to the ADEQ's Appendix 2, Test Methods and Protocols, and R18-2-102, Incorporated Materials.

A.R.S. § 49-471.08(A)(2)

Written finding by the Control Officer setting forth the reasons why the rule or ordinance making is necessary and does not alter the sense, meaning or effect of the federal or state rule or law from which it is derived. This rulemaking is required to update the applicability dates in these rules. It incorporates subparts that have been passed by the federal government which are required to be implemented by the MCAQD. Rules 317, 321, 360, 370, 371, and Appendix G do not alter the sense, meaning or effect of the state rules and federal regulations from which they are derived, as they incorporate language that is essentially the same as the state's applicable rules and the federal code of regulations.

A.R.S. § 49-471.08(A)(3)

Demonstration that fees established in the rule or ordinance do not exceed limits specified in § 49-112.

Under A.R.S. § 49-112(B), a county may adopt rules in lieu of a state program that are as stringent as a state program, if the county demonstrates that the cost of obtaining permits or other approvals from the county will be approximately equal to or less than the costs of obtaining similar permits. Rules 317, 321, 360, 370, 371, and Appendix G do not establish fees. Any costs associated with these rules will come from permit application fees for sources obtaining a permit revision to reflect new emission limits, due to applicability of a new standard. Therefore, fees associated with these rules will be exactly the same as fees associated with similar permits.

- 7. A reference to any study relevant to the rule that the department reviewed and either proposes to rely on or not rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

No studies were reviewed in reference to this expedited rulemaking action. All studies conducted in regards to the CFR being incorporated by reference were conducted at the federal level.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

9. The preliminary summary of the economic, small business, and consumer impact

The preliminary economic impact statement (EIS) was developed to estimate the impact of the expedited rule. The impact statement, comprised of potential costs and benefits, represents an estimate. The MCAQD solicits input from stakeholders that are small businesses and organizations on the administrative and other costs required for compliance with the expedited rulemaking, and any other information relevant to the EIS.

1. Rulemaking

The MCAQD is proposing to incorporate by reference federal regulations and documents promulgated by the EPA and published in the Federal Register notices: New Source Performance Standard (NSPS), National Emission Standards For Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 Code Of Federal Regulations (CFR). The Maricopa County Air Pollution Control Regulations Rules 317, 321, 360, 370, 371, and Appendix G are proposed to be updated by this incorporation. The MCAQD is also proposing to update the incorporation by reference date for these CFR references to July 1, 2006, update the incorporation by reference date of AP-42, and remove methyl ethyl ketone from the list of federal hazardous air pollutants in Rule 370. Other proposed changes include: update the MCAQD address, correct typographical errors, add text for clarification, change text to ensure consistency in rules' format, and match text with ADEQ's rules at Title 18, Chapter 2. As required by A.R.S. § 41-1055, this economic, small business and consumer impact statement includes a discussion of the persons most likely to be impacted by the proposed rules, along with a cost-benefit analysis of the proposed rules' probable impact on the MCAQD as the implementing agency and other public agencies, other political subdivisions of the state, and businesses affected by the proposed rulemaking. Where data are unavailable or highly uncertain, this statement discusses the limitations of the data, the methods used to develop qualitative and/or quantitative estimates, and attempts to characterize all probable impacts in qualitative terms.

2. Persons who are affected, bear costs or directly benefit

Cost bearers

Costs to the implementing agency are those that may accrue for implementation and enforcement of the standards and changes to the regulations. There should be no other costs associated with this rulemaking.

Beneficiaries

There are benefits to the implementing agency, regulated community, small businesses, political subdivisions of the state, and members of the public. There are health benefits to all parties involved. There are benefits to the regulated community and small businesses in being regulated by a geographically closer government agency than by the EPA.

3. Cost/benefit analysis/summary Probable costs and benefits to the implementing agencies, political subdivision, and businesses

Costs

There are no additional costs to the regulated community when a county agency incorporates an already effective federal standard. The costs of compliance have already occurred and were considered when the federal regulation was proposed and adopted. The majority of the proposed revisions in these rules are incorporating by reference federal regulations, including the NSPSs, NESHAPs, and Acid Rain regulations. The proposed revisions impose no additional costs on the regulated community, small businesses, political subdivisions of the state, and members of the public. Costs to the MCAQD are those that may accrue for implementation and enforcement of the standards as county law. The MCAQD does not intend to hire any additional employees to implement or enforce these proposed rules.

Benefits

Health benefits accrue to the general public whenever enforcement of environmental laws takes place. Adverse health effects from air pollution result in a number of economic and social consequences. Hazardous air pollutants include numerous chemical compounds that could produce cancer and other significant health effects (e.g., respiratory diseases, birth defects, eye irritation, and adverse impact to the nervous system). New NSPS and new NESHAP were promulgated for several process operations with anticipated reductions in hazardous air emissions by facilities across the nation. Potentially, a reduction in hazardous air emissions could occur in Arizona.

Adverse health effects from air pollution result in a number of economic and social consequences, including:

- 1. Medical Costs.** These include personal out-of-pocket expenses of the affected individual (or family), plus any costs that may be paid by insurances. Additional costs may be incurred for emergency room visits and hospital admissions.
- 2. Work Loss.** This includes potential lost personal income, in addition to the lost productivity and increased compensation costs for the employer due to employees' reduced ability or inability to work.
- 3. Increased costs for assistance and care giving services** that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores. Extra care giving services may be required due to the reduced physical state of the individual.

4. Other social and economic costs include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members and others.

Benefits accrue to the regulated community when a county agency incorporates a federal regulation in order to become the primary implementer of the regulation. The county agency is closer to those being regulated and, therefore, is generally easier to contact and to work with to resolve differences, compared with the regional EPA office located in San Francisco. Local implementation also reduces travel and communication costs. In addition, in Rule 370, Table I, the MCAQD proposes to remove methyl ethyl ketone from the federal HAP list. This will lessen the economic burden on the regulated community, small businesses, and political subdivision of the state.

4. Private and public employment impact

This expedited rulemaking is expected to have no impact on employment.

5. Rule impact reduction on small businesses.

- a. An identification of the small businesses subject to the rulemaking.
There are no increased costs for small businesses subject to the expedited rulemaking.
- b. The administrative and other costs required for compliance with the rulemaking.
There are no increased costs for small businesses subject to the expedited rulemaking.
- c. A description of the methods that the agency may use to reduce the impact on small businesses.

A.R.S. § 41-1055 requires the MCAQD to reduce the impact of a rule on small businesses by using certain methods when they are legal and feasible in meeting the statutory objectives of the rulemaking. The five listed methods are:

1. Establish less stringent compliance or reporting requirements in the expedited rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

A small business is defined in A.R.S. § 41-1001 as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year. For purposes of a specific rule, an agency may define small business to include more persons if

it finds that such a definition is necessary to adapt the rule to the needs and problems of small businesses and organizations."

The MCAQD has determined that there is a beneficial impact on small businesses in transferring implementation of these rules to the MCAQD. In addition, the MCAQD is required to adopt the federal rules without reducing stringency. The MCAQD, therefore, has found that it is not legal or feasible to adopt any of the five listed methods in ways that reduce both the impact of these rules on small businesses. Finally, where federal rules impact small businesses, the EPA is required by both the Regulatory Flexibility Act and the Small Business Regulatory Enforcement and Fairness Act to make certain adjustments in its own rulemakings. Information related to such may be found in the individual rules described in Section 5 of this rulemaking notice.

- d. The probable cost and benefit to private persons and consumers who are directly affected by the rulemaking. Private persons or consumers will not be directly affected by the expedited rulemaking, with the exception of the expected health benefits.

The statutory objectives which are the basis of the rulemaking. The general statutory objectives that are the basis of this expedited rulemaking are contained in the statutory authority cited in Section 2 of this rulemaking notice. The specific objectives are as follows:

1. Implement rules necessary for the EPA delegation of Clean Air Act § 111 (NSPS) program to the MCAQD.
2. Implement rules necessary for the EPA delegation of Clean Air Act § 112(l) (NESHAP) program to the MCAQD.
3. Implement rules necessary for delegation of the acid rain program to the MCAQD.

6. Probable effect on county revenues

There should be no effect on county revenues.

7. Less intrusive or costly alternative methods of achieving the rulemaking.

None. The MCAQD is required to adopt the federal and state rules without reducing stringency.

Conclusions

The MCAQD expects the costs associated with this expedited rulemaking to be generally low, and apply solely to the MCAQD, while the air quality benefits are expected to be generally high. Costs to the MCAQD are those that may accrue for implementation and enforcement of the standards as county law. In addition, there are benefits to industry from being regulated by a geographically closer government entity.

There are no adverse economic impacts on private businesses (the regulated community) and political subdivisions of the state, their revenues or expenditures. The fact that no new employment is expected to occur has been discussed above. There are no adverse economic impacts on small businesses, although some regulatory benefits will accrue to them. There are no economic impacts for consumers; benefits to private persons as members of the general public are discussed above in terms of enforcement. There will be no direct impact on county revenues. There are no other, less costly alternatives for achieving the goals of this rulemaking. The rules are no less stringent and no more stringent than the federal regulations on each subject. The MCAQD expects the health, social, and regulatory benefits to outweigh any costs associated with this rulemaking.

10. The name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Jo Crumbaker or Cheri Dale
Maricopa County Air Quality Department (MCAQD)
Address: 1001 North Central Avenue, Suite # 595, Phoenix, AZ 85004
Telephone: 602-506-6705 or 602-506-3476
Fax: 602-506-6179
E-Mail: jcrumbak@mail.maricopa.gov or CheriDale@mail.maricopa.gov

11. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the expedited rule:

Written comments will be accepted if received between the date of this publication and September 26, 2008, 5:00 PM. Written comments may be mailed or hand delivered to the MCAQD (see # 4 and # 10 above). Written comments received during the comment period will be considered formal comments to the expedited rulemaking and will be responded to in the Notice of Final Rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable.

13. Incorporations by reference and their location in the rules:

Rule 317: 40 CFR 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 is incorporated by reference as of July 1, 2006.

40 CFR Part 60, Appendix A and Appendix B, are incorporated by reference as of July 1, 2006.

40 CFR Part 70, is incorporated by reference as of July 1, 2006.

Rule 321: 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, is incorporated by reference as of July 1, 2006.

Rule 360: Updates to the federal NSPS regulations at 40 CFR 60, and appendices, are incorporated by reference as of July 1, 2006.

Rule 370: Updates to the federal NESHAP regulations at 40 CFR 61 and 40 CFR 63, and appendices, are incorporated by reference as of July 1, 2006. Updates to the federal list of hazardous air pollutants are incorporated by reference as of July 1, 2006.

Rule 371: Updates to the federal Acid Rain regulations at 40 CFR 72, 74, 75, and 76, and appendices, are incorporated as of July 1, 2006.

Appendix G: Updates to:

Consolidated Emissions Reporting Rule, 40 CFR 51, Subpart A, Appendix A, Table 2A, July 1, 2006;

40 CFR 50, July 1, 2006;

40 CFR 50, Appendices A through N, July 1, 2006;

40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W, July 1, 2006;

40 CFR 52, Appendices D and E, July 1, 2006;

40 CFR 53, July 1, 2006;

40 CFR 58, July 1, 2006;

40 CFR 58, all appendices, July 1, 2006;

40 CFR 60, all appendices, July 1, 2006;

40 CFR 61, all appendices, July 1, 2006;

40 CFR 63, all appendices, July 1, 2006;

40 CFR 75, July 1, 2006;

40 CFR 75, all appendices, July 1, 2006;

EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, and Updates 2001, 2002, 2003, and 2004, and all updates as of January 31, 2007.

14. The full text of the rules follows:

REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 317
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS
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Adopted 04/07/93
Revised 04/07/99
Revised 11/19/03
Revised 03/15/06
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 317
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SECTION 100 - GENERAL

- 101** **PURPOSE:** To control emissions of air pollutants from Hospital/Medical/Infectious Waste incinerators.
- 102** **APPLICABILITY:** A Hospital/Medical/Infectious Waste Incinerator (HMIWI) commenced on or before June 20, 1996, or for which construction commenced on or before June 20, 1996, shall comply with this rule unless it fits any one of the following exceptions:
- 102.1** A combustor is not subject to this rule when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:
- a.** Notifies the Control Officer of an exemption claim; and
 - b.** Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.
- 102.2** Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor:
- a.** Notifies the Control Officer of an exemption claim; and
 - b.** Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and
 - c.** Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

- 102.3** Any combustor required to have a permit under Title 42, United States Code (U.S.C.), Section 6925, Section 3005 of the Solid Waste Disposal Act is not subject to this rule.
- 102.4** Any combustor which meets the applicability requirements under 40 ~~C.F.R.~~CFR 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this rule.
- 102.5** Any pyrolysis unit is not subject to this rule.
- 102.6** Cement kilns firing hospital waste or medical/infectious waste are not subject to this rule.
- 102.7** Physical or operational will change made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 ~~C.F.R.~~CFR 60, Subpart Ec.
- 102.8** HMIWI subject to this Section are not subject to Rule 313.

(a) A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in Section 102.2.c of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.

(b) Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, Sections 102.2, 102.3 and 102.4 of this rule.)

- 103** **AVAILABILITY OF INFORMATION:** Copies of ~~40 C.F.R. 60, Subpart E~~ the CFR referenced in this ~~rule 40 C.F.R. 60, Subpart E~~ are available at the Maricopa County Air Quality Department, 1001 N. Central Avenue Ave., Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 BATCH HMIWI** - An HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.
- 202 BIOLOGICALS** - Preparations made from living organisms and their products. This includes vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research, ~~pertaining thereto.~~
- 203 BLOOD PRODUCTS** - Any product derived from human blood, including, but not limited to, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.
- 204 BODY FLUIDS** - Liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.
- 205 ~~BYPASS STACK~~** ~~A device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.~~
- 206205 CHEMOTHERAPEUTIC WASTE** - Waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.
- 207206 CO-FIRED COMBUSTOR** - A unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered “other” wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.
- 208207 CONTINUOUS HMIWI** - An HMIWI that is designed to allow waste charging and ash removal during combustion.
- 209208 CREMATORY** - An incinerator used for the cremation of human and animal bodies, their body parts, and for the incineration of associated animal bedding.
- 210209 DIOXINS/FURANS** - The combined emissions of tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzofurans, as measured by the EPA Reference Method 23, found in 40 C.F.R. CFR Part 60, Appendix A, ~~and incorporated by reference per Section 301 of this rule.~~

214210 **HOSPITAL** - Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

214211 **HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OR HMIWI OR HMIWI UNIT** - Any device that combusts any amount of hospital waste or medical/infectious waste.

214212 **HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR OPERATOR OR HMIWI OPERATOR** - Any person who operates, controls or supervises the day-to-day operation of an HMIWI.

214213 **HOSPITAL WASTE** - Discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

215214 **INFECTIOUS AGENT** - Any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

216215 **INTERMITTENT HMIWI** - An HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

217216 **LARGE HMIWI:**

217.4216.1 Except as provided in 217.2216.2:

- a. An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
- b. A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.

217.2216.2 Each of the following is not a large HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.

218217 **LOW-LEVEL RADIOACTIVE WASTE** - Waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

219218 **MAXIMUM CHARGE RATE:**

- a. For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.
- b. For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

220219 **MAXIMUM DESIGN WASTE BURNING CAPACITY:**

- a. For intermittent and continuous HMIWI, $C = P_v \times 15,000/8,500$

Where:

C = HMIWI capacity, lb/hr

P_v = primary chamber volume, ft^3

15,000 = primary chamber heat release rate factor, Btu/ ft^3 /hr

8,500 = standard waste heating value, Btu/lb.

- b. For batch HMIWI, $C = P_v \times 4.5/8$

Where:

C = HMIWI capacity, lb/hr

P_v = primary chamber volume, ft^3

4.5 = waste density, lb/ ft^3

8 = typical hours of operation of a batch HMIWI.

221.220 **MEDICAL/INFECTIOUS WASTE** - Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research ~~pertaining thereto~~, or in the production or testing of biologicals that is listed in Sections ~~221.1220.1~~ through ~~221.7220.7~~ of this rule. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 ~~C.F.R.~~CFR Part 261; household waste, as defined in 40 ~~C.F.R.~~CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment; cremation; and domestic sewage materials identified in 40 ~~C.F.R.~~CFR 261.4(a)(1). Medical/infectious waste does include:

221.1220.1 Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

221.2220.2 Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

221.3220.3 Human blood and blood products including:

- a. Liquid waste human blood;
- b. Products of blood;
- c. Items saturated and/or dripping with human blood; or
- d. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

221.4220.4 Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or

unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

221.5220.5 Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

221.6220.6 Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

221.7220.7 Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

222221 **MEDIUM HMIWI:**

222.1221.1 Except as provided in Section **222.2221.1**:

- a. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
- b. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

222.2221.1 The following are not medium HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

223222 **PATHOLOGICAL WASTE** - Waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

224223 **PYROLYSIS** - The endothermic gasification of hospital waste or medical/infectious waste using external energy.

225224 **SHUTDOWN** - The period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than 5 hours after the high-air phase of combustion has been completed.

226225 **SMALL HMIWI:**

226.1225.1 Except as provided in Section ~~226.2225.2~~:

- a. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or
- b. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
- c. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

226.2225.2 The following are not small HMIWI:

- a. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour; or
- b. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

SECTION 300 - STANDARDS

301 **HMIWI STANDARDS:** An existing HMIWI covered by this Section shall comply with 40 ~~C.F.R.~~CFR 60, Subpart Ec, as modified by this subsection. 40 ~~C.F.R.~~CFR 60, Subpart Ec “Standards of Performance for

Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996” is incorporated by reference in Rule 360 of the Maricopa County Air Pollution Control Regulations.

302 HMIWI EMISSIONS GUIDELINES: An HMIWI shall comply with the emissions guidelines in Table 1 listed below:

**Table 1
Emission Limits for Small, Medium, and Large HMIWI**

Pollutant	Units (7% oxygen, dry basis)	Emission Limits		
		HMIWI size		
		Small	Medium	Large
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65%	0.16 (0.07) or 65%	0.16 (0.07) or 65%
Carbon monoxide	Parts per million by volume	40	40	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
Hydrogen chloride	Parts per million by volume or percent reduction	100 or 93%	100 or 93%	100 or 93%
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70%	1.2 (0.52) or 70%	1.2 (0.52) or 70%
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85%	0.55 (0.24) or 85%	0.55 (0.24) or 85%
Nitrogen oxides	Parts per million by volume	250	250	250
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Sulfur dioxide	Parts per million by volume	55	55	55

303 OPACITY: No owner or operator of an HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average) or darker than 20 percent opacity for an aggregate of more than 30 seconds in any consecutive 60 minutes.

304 LARGE HMIWI OPACITY: A large HMIWI shall comply with the opacity requirements as specified in 40 C.F.R.CFR 60, Section 60.52c(c), (d), and (e).

305 NIGHT BURNING: No person shall operate a medical waste incinerator between sunset and the following sunrise unless a continuous opacity (particulate) recorder is operating at all times when there is any combustion within the incinerator. Such recorder shall be in compliance with Section 501.1 of this rule.

306 INCORPORATION BY REFERENCE: All ~~C.F.R.-CFR~~ references as of July-1, ~~2004~~2006 that are listed below and in various sections of this rule are adopted and incorporated by reference. These adoptions by reference include no future editions or amendments. Copies of these ~~C.F.R.-CFR~~ references are available at the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 695, Phoenix, AZ, 85004-1942, or call 602-506-6010 for information.

40 ~~C.F.R.-CFR~~ Part 60, Subpart Ec

40 ~~C.F.R.-CFR~~ Part 60, Section 60.52c(c), (d), and (e)

40 ~~C.F.R.-CFR~~ Part 60, Section 60.56c

40 ~~C.F.R.-CFR~~ Part 60, Section 60.57c

40 ~~C.F.R.-CFR~~ Part 60, Section 60.58c(b), (c), (d), (e), and (f)

40 ~~C.F.R.-CFR~~ Part 60, Appendix A and Appendix B

40 ~~C.F.R.-CFR~~ Part 70

307 EXEMPTIONS: ~~HMIWI subject to this Section are not subject to Rule 313.~~

307.1 ~~Any co-fired combustor or combustor that is not subject to this rule is still subject to Rule 313. (See Applicability, Sections 102.2, 102.3 and 102.4 of this Rule 317.)~~

307.2 ~~A crematory whose incinerator burns only human remains is not a HMIWI and is not subject to this rule. It is subject to Rule 313. However, if the incinerator burns 10 percent or less of hospital waste and medical/infectious waste, it is a co-fired combustor subject only to notification and recordkeeping requirements, as specified in Section 102.2 of this rule. If the incinerator burns more than 10 percent hospital waste and medical/infectious waste, it is subject to all of the requirements of this rule.~~

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: ~~Beginning either September 15, 2000, or on~~On the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 ~~C.F.R.-CFR~~ Part 70 in Arizona, whichever date is later, designated facilities subject to this rule shall operate pursuant to a permit issued under the EPA-approved operating permit program.

SECTION 500 - MONITORING AND RECORDS

501 PROVIDING AND MAINTAINING MONITORING DEVICES: Except as provided in Section 502, all requirements for compliance and performance testing listed in 40 ~~C.F.R.~~CFR 60.56c shall be required of each HMIWI, excluding the fugitive emissions testing requirements under Sections 60.56c(b)(12) and (c)(3).

501.1 Any person subject to Section 304 of this rule shall operate and maintain all of the following continuous data recording systems. All required systems shall be completely and properly operating during all periods of combustion within the incinerator, and each shall include a real-time recording device that creates a clear, legible record at all times of operation.

501.2 Opacity of stack emissions or other indicator of particulate matter which is approved by the Control Officer. Pursuant to Section 305 of this rule, any incinerator burning after sunset must be equipped with a continuously recording opacity monitor, regardless of capacity. The opacity monitor shall be located after (downstream of) all control equipment, prior to the stack exit, and prior to any dilution with ambient air. The opacity monitor shall at all times comply with the EPA Performance Specification 1 (40 ~~C.F.R.~~CFR Part 60, Appendix B) and shall be calibrated no less than once each day.

502 RECORDKEEPING AND REPORTING: Each HMIWI shall comply with the requirements listed in 40 ~~C.F.R.~~CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 ~~C.F.R.~~CFR 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting).

503 HMIWI MONITORING REQUIREMENTS: An existing HMIWI shall comply with the monitoring requirements of ~~Section 40 CFR 60.57c of Subpart E.~~Section 40 CFR 60.57c of Subpart E.

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 321

MUNICIPAL SOLID WASTE LANDFILLS

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Revised 03/15/06
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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 321
MUNICIPAL SOLID WASTE LANDFILLS

SECTION 100 - GENERAL

- 101 PURPOSE:** To limit the emission of nonmethane organic compounds from municipal solid waste landfills.
- 102 APPLICABILITY:** The provisions of this rule shall apply to each municipal solid waste landfill for which construction, reconstruction, or modification commenced prior to May 30, 1991, and which has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 103 AVAILABILITY OF INFORMATION:** Copies of 40 ~~C.F.R.~~CFR 60, Subpart WWW are available at the Maricopa County Air Quality Department, 1001 N. Central Avenue Ave., Suite 695, Phoenix, Arizona, 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR -** The Control Officer, except that the Control Officer shall not be empowered to approve alternative or equivalent test methods.
- 202 AFFECTED FACILITY -** Any municipal solid waste landfill to which this rule is applicable.
- 203 COMMENCED -** State or condition where an owner or operator has undertaken a continuous program of construction; or where an owner or operator has entered into a contractual obligation to undertake and complete such a program.
- 204 CONSTRUCTION -** The fabrication, erection, or installation of an affected facility.

- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an affected facility which would result in a change in actual emissions.
- 206 MUNICIPAL SOLID WASTE LANDFILL (MSW LANDFILL)** - An entire, publicly or privately owned, disposal facility in a contiguous geographical space where household waste is placed in or on land. Portions of a MSW landfill may be separated by access roads.
- 207 NMOC** - Nonmethane organic compound.
- 208 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility.

SECTION 300 - STANDARDS

- 301 STANDARDS OF PERFORMANCE FOR MSW LANDFILLS:** The federal standards of performance for municipal solid waste landfills set forth in 40 ~~C.F.R.~~CFR 60, Subpart WWW adopted as of July 1, ~~2004~~2006, and all accompanying appendices, excluding 40 ~~C.F.R.~~CFR 60.750, are adopted and incorporated ~~herein~~ by reference with the amendments and revisions set forth in this section. This adoption by reference includes no future editions or revisions. Each owner or operator of an affected facility shall comply with the requirements of 40 ~~C.F.R.~~CFR 60, Subpart WWW as adopted and, where applicable, revised herein.
- 301.1 Collection and Control System Design Plan:** 40 ~~C.F.R.~~CFR 60.752(b)(2)(i) is amended to read: “Submit a collection and control design plan prepared by a professional engineer to the Administrator for approval not later than 12 months after submittal of the initial NMOC emission rate report.”
- 301.2 Design Capacity Report:** 40 ~~C.F.R.~~CFR 60.757(a) is amended to read “Each owner or operator of an affected facility shall submit an initial design capacity report to the Administrator within 90 days from the effective date of this rule.” 40 ~~C.F.R.~~CFR 60.757(a)(1) is deleted.
- 301.3 NMOC Emission Rate Report:** 40 ~~C.F.R.~~CFR 60.757(b) is amended to read “Each owner or operator of an affected facility shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in paragraphs (b)(1)(ii) or (b)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.” 40 ~~C.F.R.~~CFR 60.757(b)(1)(i) is amended to read: “The initial NMOC emission rate report shall be submitted within 90 days from the effective date of this rule

and may be combined with the initial design capacity report required in paragraph (a) of this section. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in paragraphs (b)(1)(ii) and (b)(3) of this section.”

302 DELAYED APPLICABILITY: For an affected facility that first becomes subject to the collection and control system requirement of 40 ~~C.F.R.~~CFR 60.752 after the effective date of this rule, the design plan shall be due not later than 12 months after submittal or scheduled submittal of an NMOC emission rate report of 50 megagrams (55.12 tons) or more.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 360
NEW SOURCE PERFORMANCE STANDARDS

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in ~~the 40 C.F.R.~~ CFR 60. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all ~~40 C.F.R.~~ CFR, Part 60 revisions currently enforced by ~~the~~ the Maricopa County Air Quality Department (MCAOD) are available at 1001 ~~North N.~~ Central Avenue Ave., ~~Suite 400,~~ Phoenix, Arizona, 85004, or call (602) 506-6010 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** ~~Maricopa County~~ The MCAOD shall enforce the following enumerated Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) which have ~~heretofore~~ been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. ~~Maricopa County~~ the MCAOD may, in addition, enforce such other Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) delegated to the County for such enforcement ~~from time to time~~ by the EPA and which will be enumerated in any revision ~~hereof~~.

SECTION 200 - DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices, or other nondelegable authorities such as those listed in 40 CFR 60.4(d), except as specifically provided in each subpart.
- 202 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 203 COMMENCED** - With respect to the definition of "new source" in Section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** - A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 - STANDARDS

- 301 ADOPTED FEDERAL STANDARDS:** The federal standards of performance for those subparts of 40 ~~C.F.R.~~CFR 60 adopted as of July 1, ~~2004~~2006, as listed below, and all accompanying appendices are adopted and incorporated by reference, and no future editions or amendments, in the Maricopa County Air Pollution Control Regulations as indicated. ~~This adoption by reference includes no future editions or amendments.~~ Incorporation by reference does not include nondelegable functions of the EPA Administrator.

- 301.1** SUBPART A - General Provisions; exclude any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111(h)(3) and 111(j) respectively of the Clean Air Act.
- 301.2** SUBPART D - Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971.
- 301.3** SUBPART Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978.
- 301.4** SUBPART Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
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- 301.7** SUBPART Ea - Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994.
- 301.8** SUBPART Eb - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996.
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- 301.15** SUBPART K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
- 301.16** SUBPART Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
- 301.17** SUBPART Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
- 301.18** SUBPART L - Standards of Performance for Secondary Lead Smelters.
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- 301.20** SUBPART N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973.
- 301.21** SUBPART Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction Commenced After January 20, 1983.
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- 301.25** SUBPART R - Standards of Performance for Primary Lead Smelters.
- 301.26** SUBPART S - Standards of Performance for Primary Aluminum Reduction Plants.
- 301.27** SUBPART T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

- 301.28** SUBPART U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
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- 301.31** SUBPART X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- 301.32** SUBPART Y - Standards of Performance for Coal Preparation Plants.
- 301.33** SUBPART Z - Standards of Performance for Ferroalloy Production Facilities.
- 301.34** SUBPART AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.
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- 301.54** SUBPART XX - Standards of Performance for Bulk Gasoline Terminals.
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- 301.59** SUBPART GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

- 301.60** SUBPART HHH - Standards of Performance for Synthetic Fiber Production Facilities.
- 301.61** SUBPART III - Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
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- 301.68** SUBPART QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems.
- 301.69** SUBPART RRR - Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.
- 301.70** SUBPART SSS - Standards of Performance for Magnetic Tape Coating Facilities.
- 301.71** 301.71 SUBPART TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.
- 301.72** SUBPART UUU - Standards of Performance for Calciners And Dryers In Mineral Industries.
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- 301.74** SUBPART WWW - Standards of Performance for Municipal Solid Waste Landfills.

301.75 SUBPART AAAA - Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced after August 30, 1999 or for Which Modification or Reconstruction Is Commenced after June 6, 2001.

301.76 SUBPART CCCC - Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced after November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or after June 1, 2001.

301.77 SUBPART EEEE - Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006.

301.78 SUBPART FFFF - Emission Guidelines and Compliance Times for Other Solid Waste Incinerator Units That Commenced Construction On or Before December 9, 2004.

SECTION 302 - ADDITIONAL REQUIREMENTS

302.1 From the general standards identified in Section 301 of this rule, delete 40 CFR 60.4, 60.5, and 60.6. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this ~~Rule~~ rule shall be submitted to the Maricopa County Air Quality Department, 1001 N Central Avenue, ~~Phoenix, Arizona, 85004.~~ Phoenix, Arizona, 85004.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

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SECTION 500 - MONITORING AND RECORDS (NOT INCLUDED ~~APPLICABLE~~)

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Revised 05/14/97
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Revised 11/19/03
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Revised XX/XX/08

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 370
FEDERAL HAZARDOUS AIR POLLUTANT PROGRAM

SECTION 100 - GENERAL

- 101 **PURPOSE:** To establish emission standards for federally listed hazardous air pollutants.
- 102 **APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source for which a standard is prescribed under this rule, and for which federal delegation of the implementation and enforcement of the standards to the Maricopa County Air Quality Department (MCAQD) has been accomplished. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 **AVAILABILITY OF INFORMATION:** Copies of all 40 ~~C.F.R.~~CFR, Part 61 and Part 63 revisions currently enforced by the Maricopa County MCAQD are available at 1001 N Central ~~Avenue Ave, Suite 695,~~ Phoenix, Arizona, 85004, or by calling (602) 506-6010 for information.
- 104 **FEDERAL DELEGATION AUTHORITY:** The Maricopa County Air Quality Department (MCAQD) shall enforce the national emission standards for hazardous air (NESHAPs) (40 ~~C.F.R.~~CFR Part 61 and Part 63 (20042006)) (~~NESHAPs~~) listed in Section 300 of this rule which have ~~heretofore~~ been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County the MCAQD ~~may~~ in addition, may enforce such other NESHAPs as ~~may be~~ delegated by the EPA to the County, ~~from time to time.~~

SECTION 200 - DEFINITIONS: See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule. For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - As used in Parts 61 and 63, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods, alternative standards/work practices, or other nondelegable authorities ~~such as those listed in 40 CFR 61.04(e)(9) and 40 CFR 63.91(g)(2)(i)~~, except as specifically provided in each subpart.
- 202 AMENDED WATER** - ~~water~~Water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate asbestos containing material (ACM).
- 203 EXISTING SOURCE** - Any stationary source other than a new source.
- 204 FEDERALLY LISTED HAZARDOUS AIR POLLUTANT** - Any air pollutant listed pursuant to Section 112(b) of the Act.
- 205 GOVERNMENT-ISSUED PHOTO IDENTIFICATION CARD** - ~~includes~~Includes, but is not limited to, a valid driver's license, a valid nonoperating identification license, a valid tribal enrollment card or tribal identification card, or other valid government issued photo identification; that includes the name, address, and photograph of the card holder.
- 206 HAZARDOUS AIR POLLUTANT** - Any air pollutant regulated under Section 112 of the Act, any air pollutant subject to NESHAP, or any air pollutant designated by the Director as a hazardous air pollutant pursuant to ARS § 49-426.04.
- 207 MAJOR SOURCE** - A stationary source or group of stationary sources located within a contiguous area, and under common control, and that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any federally listed hazardous air pollutant or 25 tons per year or more of any combination of federally listed hazardous air pollutants. A lesser quantity or, in the case of radionuclides, a different criteria may be established by the Administrator pursuant to Section 112 of the Act and may be adopted by the Board of Supervisors by rule.
- 208 MODIFICATION** - Any physical change in, or change in the method of operation of, a major source which increases the actual emissions of any federally listed hazardous air pollutant emitted by such source by more than a de minimis amount, or which results in the emission of any federally listed hazardous air pollutant, not previously emitted by more than a de minimis amount.

- 209 NESHAP** - National emission standards for hazardous air pollutants pursuant to 40 ~~C.F.R.~~CFR Part 61 and Part 63. (~~2004~~).
- 210 NEW SOURCE** - A stationary source, the construction or reconstruction of which commences after the Administrator first proposes regulations under Section 112 of the Act establishing an emission standard applicable to such source.
- 211 STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 - STANDARDS

- 301 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS:** The federally listed hazardous air pollutants as listed in Table I of this rule and NESHAPs adopted as of July 1, ~~2004~~2006, as listed below and as which can be found at 40 ~~C.F.R.~~CFR ~~61.01 through 61.358~~ 61 and all accompanying appendices, are incorporated ~~herein~~ by reference with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth herein. Incorporation by reference does not include nondelegable functions of the EPA Administrator.
- 301.1 SUBPART A** - General Provisions; exclude any sections dealing with equivalency determinations that are nontransferable through Section 112(e)(3) of the Act.
- 301.2 SUBPART C** - National Emission Standard for Beryllium.
- 301.3 SUBPART D** - National Emission Standard for Beryllium Rocket Motor Firing.
- 301.4 SUBPART E** - National Emission Standard for Mercury.
- 301.5 SUBPART F** - National Emission Standard for Vinyl Chloride.
- 301.6 SUBPART J** - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- 301.7 SUBPART L** - National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants.

301.8 SUBPART M - National Emission Standard for Asbestos.

- a.** Each owner or operator of a demolition activity or renovation activity involving a facility as defined in 40 ~~C.F.R.~~CFR 61, Subpart M shall:
- (1) Fully comply with all requirements of 40 ~~C.F.R.~~CFR 61, Subpart M.
 - (2) Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity for the presence of asbestos, including Category I and Category II nonfriable ACM. Include the date of this inspection on the written notification.
 - (23) Provide the Control Officer with written notification of intention to demolish or to renovate in the manner described in 40 CFR 61.145.
 - (34) Update all notifications in accordance with 40 CFR 61.145(b). For renovations described in 40 CFR 61.145(a)(4)(iii), notifications shall expire every December 31, with new notices required at least 10 working days before the end of the calendar year preceding the year for which notice is being given. All other notifications shall expire one year from either the original postmark date, commercial delivery date or date of hand delivery to the Control Officer. For a demolition activity or renovation activity that continues beyond the expiration date, the owner or operator of the demolition or renovation activity shall notify the Control Officer in accordance with 40 CFR 61.145(b) at least 10 working days prior to the expiration of the original notice and pay all applicable fees prescribed by Rule 280 of these rules.
 - (4) ~~Thoroughly inspect the facility within 12 months of commencement of demolition or renovation activity. Include the date of this inspection on the written notification.~~
 - (5) Pay all applicable fees prescribed by Rule 280 of these rules.
- b.** In addition, each owner or operator of a demolition activity or renovation activity shall comply with the following requirements:
- (1) Certification, training, and record keeping requirements:
 - (a) All facilities scheduled for demolition or renovation shall be inspected by a currently certified Asbestos Hazard Emergency Response Act (AHERA) accredited asbestos

building inspector (herein referenced as inspector), as required by either AHERA or the Asbestos School Hazard Abatement Reauthorization Act (ASHARA).

- (b) Each owner and operator of a facility shall maintain a copy of any reports of inspections made for a facility for two years from completion of project, including laboratory test results of samples collected. A copy of the inspection reports and laboratory test results shall be on-site and available for inspection at the facility, upon request of the Department, during all demolition and renovation (asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling) activities.
- (c) All asbestos workers shall maintain current AHERA worker certification. All asbestos contractor/supervisors shall maintain current AHERA/ASHARA contractor/supervisor certification and shall be on-site at all times during any active asbestos abatement work at or above NESHAP threshold amounts. A legible copy of all asbestos workers and contractor/supervisor's current training certificates from an EPA accredited training provider shall be available for inspection at all times at the demolition or renovation site.
- (d) All asbestos workers and contractor/supervisors shall have color photo identification on-site and available for inspection, upon request of the Department, at all times during asbestos setup, removal, handling, collecting, containerizing, cleanup and dismantling. The color photo identification shall be from an EPA accredited training provider verifying the certification requirements in section (b)(1)(c), or a current government-issued photo identification card.

(2) Asbestos renovation and demolition standards:

- (a) A facility owner or operator shall not create visible dust emissions when removing or transporting to the disposal site Category I nonfriable asbestos containing material (ACM) and Category II nonfriable ACM that remain nonfriable Category I ACM and nonfriable Category II ACM.
- (b) Inspection viewing devices at facilities are required at all asbestos renovation projects where regulated asbestos containing material (RACM) is being abated, except for roofing projects involving Category I nonfriable ACM and Category II nonfriable ACM exclusively. Viewing devices shall be so designed as to allow an inspector to view the facility from the outside, either through ports or by video monitoring.

- (c) All exposed RACM subject to cutting or dismantling operations and all RACM being removed from a facility or a facility component shall be kept adequately wet by using amended water to control the release of asbestos fibers, ~~except~~ The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9). Specific exemptions are listed as exempted under 40 CFR 61.145(c)(3)(i)(A), 40 CFR 61.145(c)(3)(ii) and/or 40 CFR 61.145(c)(7)(i). To claim these exemptions, the owner or operator shall follow the requirements of 40 CFR 61.145(c)(3)(i)(B), 40 CFR 61.145(c)(3)(iii) and/or 61.145(c)(7)(ii) and (iii). ~~The use of amended water will not be required in the case of an ordered demolition, as defined in 40 CFR 61.145(a)(3), where the debris is suspected to contain or is known to contain ACM, however ordered demolitions are subject to 40 CFR 61.145(c)(9).~~
- (d) All RACM shall be contained in transparent, leak-tight wrapping and shall remain adequately wet to prevent dust emissions during removal, transport, storage, and proper landfill disposal following local, county, state, and federal regulations. Affix a visible and legible label to each individual wrapping with the name of the site owner or operator and the name and address of the location that generated the RACM.

- 301.9** SUBPART N - National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants.
- 301.10** SUBPART O - National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters.
- 301.11** SUBPART P - National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.
- 301.12** SUBPART V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- 301.13** SUBPART Y - National Emission Standard for Benzene Emissions From Benzene Storage Vessels.
- 301.14** SUBPART BB - National Emission Standard for Benzene Emissions From Benzene Transfer Operations.

301.15 SUBPART FF - National Emission Standard for Benzene Waste Operations.

302 STANDARDS OF PERFORMANCE FOR FEDERALLY LISTED HAZARDOUS AIR

POLLUTANTS FOR SOURCE CATEGORIES: The federally listed hazardous air pollutants as listed in Table I of this rule and NESHAPs adopted as of July 1, ~~2004~~ 2006, ~~or the specific date provided below~~, as listed below and as which can be found at 40 ~~C.F.R.~~ CFR 63, and all accompanying appendices, are incorporated ~~herein~~ by reference, as applicable requirements, with the listed exclusions and additions and shall be applied by the Control Officer. This incorporation by reference includes no future editions or amendments. Each owner or operator subject to the requirements of the following subparts shall comply with the requirements of those subparts and the additional requirements set forth. ~~herein~~. Incorporation by reference does not include nondelegable functions of the EPA Administrator.

302.1 SUBPART A - General Provisions.

302.2 SUBPART B - Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j).

302.3 SUBPART C - List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List, ~~includes amendments adopted as of November 29, 2004~~

302.4 SUBPART D - Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants.

302.5 SUBPART F - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry.

302.6 SUBPART G - National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

302.7 SUBPART H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

302.8 SUBPART I - National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

- 302.9** SUBPART J - National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production.
- 302.10** SUBPART L - National Emission Standards for Coke Oven Batteries.
- 302.11** SUBPART M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
- 302.12** SUBPART N - National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.
- 302.13** SUBPART O - Ethylene Oxide Emissions Standards for Sterilization Facilities.
- 302.14** SUBPART Q - National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.
- 302.15** SUBPART R - National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).
- 302.16** SUBPART S – National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.
- 302.17** SUBPART T - National Emission Standards for Halogenated Solvent Cleaning.
- 302.18** SUBPART U - National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.
- 302.19** SUBPART W - National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production.
- 302.20** SUBPART X - National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.
- 302.21** SUBPART AA – National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants.
- 302.22** SUBPART BB - National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.

- 302.23** SUBPART CC - National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries.
- 302.24** SUBPART DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.
- 302.25** SUBPART EE - National Emission Standards for Magnetic Tape Manufacturing Operations.
- 302.26** SUBPART GG - National Emission Standards for Aerospace Manufacturing and Rework Facilities.
- 302.27** SUBPART HH - National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.
- 302.28** SUBPART JJ - National Emission Standards for Wood Furniture Manufacturing Operations.
- 302.29** SUBPART KK - National Emission Standards for the Printing and Publishing Industry.
- 302.30** SUBPART MM – National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfitte, and Stand-Alone Semichemical Pulp Mills.
- 302.31** SUBPART OO - National Emission Standards for Tanks - Level 1.
- 302.32** SUBPART PP - National Emission Standards for Containers.
- 302.33** SUBPART QQ - National Emission Standards for Surface Impoundments.
- 302.34** SUBPART RR - National Emission Standards for Individual Drain Systems.
- 302.35** SUBPART SS – National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.
- 302.36** SUBPART TT – National Emission Standards for Equipment Leaks – Control Level 1.
- 302.37** SUBPART UU – National Emission Standards for Equipment Leaks – Control Level 2 Standards.

- 302.38** SUBPART VV - National Emission Standards for Oil-Water Separators and Organic-Water Separators.
- 302.39** SUBPART WW – National Emission Standards for Storage Vessels (Tanks) – Control Level 2.
- 302.40** SUBPART XX - National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations.
- 302.41** SUBPART YY - National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.
- 302.42** SUBPART CCC - National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.
- 302.43** SUBPART DDD - National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.
- 302.44** SUBPART EEE - National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.
- 302.45** SUBPART GGG - National Emission Standards for Pharmaceuticals Production.
- 302.46** SUBPART HHH - National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.
- 302.47** SUBPART III - National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.
- 302.48** SUBPART JJJ - National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.
- 302.49** SUBPART LLL - National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry.
- 302.50** SUBPART MMM - National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

- 302.51** SUBPART NNN - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.
- 302.52** SUBPART OOO – National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins.
- 302.53** SUBPART PPP - National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production.
- 302.54** SUBPART QQQ - National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting.
- 302.55** SUBPART RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.
- 302.56** SUBPART TTT - National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.
- 302.57** SUBPART UUU – National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
- 302.58** SUBPART VVV – National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works.
- 302.59** SUBPART XXX - National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese.
- 302.60** SUBPART AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.
- 302.61** SUBPART CCCC – National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.
- 302.62** SUBPART DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products.

- ~~302.62~~302.63 SUBPART EEEE - National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).
- ~~302.63~~302.64 SUBPART FFFF - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.
- ~~302.64~~302.65 SUBPART GGGG – National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production.
- ~~302.65~~302.66 SUBPART HHHH – National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production.
- ~~302.66~~302.67 SUBPART IIII - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks.
- ~~302.67~~302.68 SUBPART JJJJ - National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating.
- ~~302.68~~302.69 SUBPART KKKK - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans.
- ~~302.69~~302.70 SUBPART MMMM - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.
- ~~302.70~~302.71 SUBPART NNNN - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances.
- ~~302.71~~302.72 SUBPART OOOO - National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles.
- ~~302.72~~302.73 SUBPART PPPP - National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products.
- ~~302.73~~302.74 SUBPART QQQQ - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.

- ~~302.74~~302.75 SUBPART RRRR - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.
- ~~302.75~~302.76 SUBPART SSSS – National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.
- ~~302.76~~302.77 SUBPART TTTT – National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.
- ~~302.77~~302.78 SUBPART UUUU – National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing.
- ~~302.78~~302.79 SUBPART VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing.
- ~~302.79~~302.80 SUBPART WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.
- ~~302.80~~302.81 SUBPART XXXX - National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.
- ~~306.81~~302.82 SUBPART YYYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.
- ~~302.82~~302.83 SUBPART ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- ~~302.83~~302.84 SUBPART AAAAA - National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants.
- ~~302.84~~302.85 SUBPART BBBBB - National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing.
- ~~302.85~~302.86 SUBPART CCCCC - National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks.

- 302.87** SUBPART DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.
- ~~302.86~~302.88** SUBPART EEEEE - National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries.
- ~~302.87~~302.89** SUBPART FFFFF - National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities.
- ~~302.88~~306.90** SUBPART GGGGG - National Emission Standards for Hazardous Air Pollutants: Site Remediation.
- ~~302.89~~302.91** SUBPART HHHHH - National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.
- ~~302.90~~306.92** SUBPART IIIII - National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants.
- ~~302.91~~302.93** SUBPART JJJJJ - National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing.
- ~~302.92~~302.94** SUBPART KKKKK - National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing.
- ~~302.93~~302.95** SUBPART LLLLL - National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing.
- ~~302.94~~302.96** SUBPART MMMMM - National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.
- ~~302.95~~302.97** SUBPART NNNNN - National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.
- ~~302.96~~302.98** SUBPART PTTTT - National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands.
- ~~302.97~~302.99** SUBPART QQQQQ - National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities.

~~302.98~~302.100 SUBPART RRRRR - National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing.

~~302.99~~302.101 SUBPART SSSSS - National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing.

~~302.100~~302.102 SUBPART TTTTT - National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining.

303 ADDITIONAL REQUIREMENTS:

303.1 From the general standards identified in Section 301 of this rule, delete 40 ~~C.F.R.~~CFR 61.04. All requests, reports, applications, submittals, and other communications to the Control Officer pursuant to this rule shall be submitted to the Maricopa County Air Quality Department, 1001 ~~North~~N Central ~~Avenue~~Ave, ~~Suite 400~~, Phoenix, Arizona, 85004.

303.2 Where the Act has established provisions, including specific schedules, for the regulation of source categories pursuant to Section 112(e)(5) and 112(n) of the Act, the Control Officer may enforce those provisions.

303.3 For any category or subcategory of sources licensed by the U.S. Nuclear Regulatory Commission, the Board of Supervisors shall not adopt and the Control Officer shall not enforce any standard or limitation respecting emissions of radionuclides which is more stringent than the standard or limitation adopted by the Administrator pursuant to Section 112 of the Act.

303.4 If the Administrator finds by rule that regulation is not appropriate or necessary or that alternative control strategies should be applied, the Control Officer shall administer and enforce this rule based on the Administrator's findings.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 CONTROL TECHNOLOGY DETERMINATIONS FOR MAJOR SOURCES IN ACCORDANCE WITH CLEAN AIR ACT SECTIONS, SECTIONS 112(g) AND 112(j): 40 ~~C.F.R.~~CFR 63.40-44 through 40 CFR 63.44 and 40 ~~C.F.R.~~CFR 63.50-56 through 40 CFR 63.56 are adopted by reference.

402 COMPLIANCE EXTENSIONS FOR EARLY REDUCTION OF FEDERALLY LISTED HAZARDOUS AIR POLLUTANTS: 40 C.F.R. CFR 63.70-84 through 40 CFR 63.81 and Table I are adopted by reference.

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

TABLE I

FEDERAL LIST OF HAZARDOUS AIR POLLUTANTS

A. All of the following are federally listed hazardous air pollutants:

<u>CAS No.</u>	<u>Chemical Name</u>	126-99-8	Chloroprene
75-07-0	Acetaldehyde	1319-77-3	Cresols/Cresylic acid (isomers and mixture)
60-35-5	Acetamide		
75-05-8	Acetonitrile	95-48-7	o-Cresol
98-86-2	Acetophenone	108-39-4	m-Cresol
53-96-3	2-Acetylaminofluorene	106-44-5	p-Cresol
107-02-8	Acrolein	<u>CAS No.</u>	<u>Chemical Name</u>
79-06-1	Acrylamide	98-82-8	Cumene
79-10-7	Acrylic acid	94-75-7	2,4-D, salts and esters
107-13-1	Acrylonitrile	3547-04-4	DDE
107-05-1	Allyl chloride	334-88-3	Diazomethane
92-67-1	4-Aminobiphenyl	132-64-9	Dibenzofurans
62-53-3	Aniline	96-12-8	1,2-Dibromo-3-chloropropane
90-04-0	o-Anisidine	84-74-2	Dibutylphthalate
1332-21-4	Asbestos	106-46-7	1,4-Dichlorobenzene(p)
71-43-2	Benzene (including benzene from gasoline)	91-94-1	3,3-Dichlorobenzidene
92-87-5	Benzidine	111-44-4	Dichloroethyl ether (Bis(2-chloroethyl)ether)
98-07-7	Benzotrichloride	542-75-6	1,3-Dichloropropene
100-44-7	Benzyl chloride	62-73-7	Dichlorvos
92-52-4	Biphenyl	111-42-2	Diethanolamine
117-81-7	Bis(2-ethylhexyl)phthalate (DEHP)	121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
542-88-1	Bis(chloromethyl)ether		
75-25-2	Bromoform	64-67-5	Diethyl sulfate
106-99-0	1,3-Butadiene	119-90-4	3,3-Dimethoxybenzidine
156-62-7	Calcium cyanamide	60-11-7	Dimethyl aminoazobenzene
133-06-2	Captan	119-93-7	3,3-Dimethyl benzidine
63-25-2	Carbaryl	79-44-7	Dimethyl carbamoyl chloride
75-15-0	Carbon disulfide	68-12-2	Dimethyl formamide
56-23-5	Carbon tetrachloride	57-14-7	1,1-Dimethyl hydrazine
463-58-1	Carbonyl sulfide	131-11-3	Dimethyl phthalate
120-80-9	Catechol	77-78-1	Dimethyl sulfate
133-90-4	Chloramben	534-52-1	4,6-Dinitro-o-cresol, and salts
57-74-9	Chlordane	51-28-5	2,4-Dinitrophenol
7782-50-5	Chlorine	121-14-2	2,4-Dinitrotoluene
79-11-8	Chloroacetic acid	123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
532-27-4	2-Chloroacetophenone	122-66-7	1,2-Diphenylhydrazine
108-90-7	Chlorobenzene	106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
510-15-6	Chlorobenzilate		
67-66-3	Chloroform	106-88-7	1,2-Epoxybutane
107-30-2	Chloromethyl methyl ether	140-88-5	Ethyl acrylate

100-41-4	Ethyl benzene	684-93-5	N-Nitroso-N-methylurea
51-79-6	Ethyl carbamate (Urethane)	62-75-9	N-Nitrosodimethylamine
75-00-3	Ethyl chloride (Chloroethane)	59-89-2	N-Nitrosomorpholine
106-93-4	Ethylene dibromide (Dibromoethane)	56-38-2	Parathion
107-06-2	Ethylene dichloride (1,2-Dichloroethane)	82-68-8	Pentachloronitrobenzene (Quintobenzene)
107-21-1	Ethylene glycol	87-86-5	Pentachlorophenol
151-56-4	Ethylene imine (Aziridine)	108-95-2	Phenol
75-21-8	Ethylene oxide	106-50-3	p-Phenylenediamine
96-45-7	Ethylene thiourea	<u>CAS No.</u>	<u>Chemical Name</u>
<u>CAS No.</u>	<u>Chemical Name</u>	75-44-5	Phosgene
75-34-3	Ethylidene dichloride (1,1-Dichloroethane)	7803-51-2	Phosphine
50-00-0	Formaldehyde	7723-14-0	Phosphorus
76-44-8	Heptachlor	85-44-9	Phthalic anhydride
118-74-1	Hexachlorobenzene	1336-36-3	Polychlorinated biphenyls (Aroclors)
87-68-3	Hexachlorobutadiene	1120-71-4	1,3-Propane sultone
77-47-4	Hexachlorocyclopentadiene	57-57-8	beta-Propiolactone
67-72-1	Hexachloroethane	123-38-6	Propionaldehyde
822-06-0	Hexamethylene- 1,6-diisocyanate	114-26-1	Propoxur (Baygon)
680-31-9	Hexamethylphosphoramide	78-87-5	Propylene dichloride (1,2-Dichloropropane)
110-54-3	n-Hexane	75-56-9	Propylene oxide
302-01-2	Hydrazine	75-55-8	1,2-Propylenimine(2-Methyl aziridine)
7647-01-0	Hydrochloric acid	91-22-5	Quinoline
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)	106-51-4	Quinone
123-31-9	Hydroquinone	100-42-5	Styrene
78-59-1	Isophorone	96-09-3	Styrene oxide
58-89-9	Lindane (all isomers)	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
108-31-6	Maleic anhydride	79-34-5	1,1,2,2-Tetrachloroethane
67-56-1	Methanol	127-18-4	Tetrachloroethylene (Perchloroethylene)
72-43-5	Methoxychlor	7550-45-0	Titanium tetrachloride
74-83-9	Methyl bromide (Bromomethane)	108-88-3	Toluene
74-87-3	Methyl chloride (Chloromethane)	95-80-7	2,4-Toluene diamine
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)	584-84-9	2,4-Toluene diisocyanate
78-93-3	Methyl ethyl ketone (2-Butanone)	95-53-4	o-Toluidine
60-34-4	Methyl hydrazine	8001-35-2	Toxaphene (chlorinated camphene)
74-88-4	Methyl iodide (Iodomethane)	120-82-1	1,2,4-Trichlorobenzene
108-10-1	Methyl isobutyl ketone (Hexone)	79-00-5	1,1,2-Trichloroethane
624-83-9	Methyl isocyanate	79-01-6	Trichloroethylene
80-62-6	Methyl methacrylate	95-95-4	2,4,5-Trichlorophenol
1634-04-4	Methyl tert butyl ether	88-06-2	2,4,6-Trichlorophenol
101-14-4	4,4-Methylene bis (2-chloroaniline)	121-44-8	Triethylamine
75-09-2	Methylene chloride (Dichloromethane)	1582-09-8	Trifluralin
101-68-8	Methylene diphenyl diisocyanate (MDI)	540-84-1	2,2,4-Trimethylpentane
101-77-9	4,4-Methylenedianiline	108-05-4	Vinyl acetate
91-20-3	Naphthalene	593-60-2	Vinyl bromide
98-95-3	Nitrobenzene	75-01-4	Vinyl chloride
92-93-3	4-Nitrobiphenyl	75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
100-02-7	4-Nitrophenol	1330-20-7	Xylenes (isomers and mixture)
79-46-9	2-Nitropropane	95-47-6	o-Xylenes
		108-38-3	m-Xylenes
		106-42-3	p-Xylenes
		0	Antimony Compounds

0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
<u>CAS No.</u>	<u>Chemical Name</u>
0	Coke Oven Emissions
0	Cyanide Compounds ^[1]
0	Glycol ethers ^[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
<u>CAS No.</u>	<u>Chemical Name</u>
0	Fine mineral fibers ^[3]
0	Nickel Compounds
0	Polycyclic Organic Matter ^[4]
0	Radionuclides (including radon) ^[5]
0	Selenium Compounds

B. The following applies for all listings above which contain the word "compounds" or are glycol ethers: unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

^[1] X'CN where X = H' or any other group where a formal dissociation may occur (e.g. KCN or Ca(CN)₂).

^[2]

a. Includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where:

n = 1, 2, or 3;

R = alkyl C7 or less; or

R = phenyl or alkyl substituted phenyl;

R' = H or alkyl C7 or less; or

OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

b. Glycol ethers ~~does~~do not include ethylene glycol monobutyl ether (EGBE, 2-Butoxyethanol) (CAS No. 111-76-2).

^[3] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter one micrometer or less.

^[4] Includes organic compounds which have more than one benzene ring and which have a boiling point greater than or equal to 212°F (100°C). ~~(Limited to, or refers to, products from incomplete combustion of organic compounds and pyrolysis processes.)~~

^[5] A type of atom which spontaneously undergoes radioactive decay.

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 371

ACID RAIN

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MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS
RULE 371
ACID RAIN

SECTION 100 - GENERAL

- 101 PURPOSE:** To incorporate by reference the Acid Rain federal regulations in order to obtain delegated authority to enforce portions of the Clean Air Act Amendments of 1990 (CAAA).
- 102 APPLICABILITY:** This rule applies to those affected units as described in 40 Code of Federal Regulations (~~C.F.R.~~CFR) 72.6 which has been adopted by reference and no future additions or amendments.
- 103 SEVERABILITY:** If the provisions or requirements of the regulations incorporated pursuant to this rule conflict with any of the remaining portions of these rules, the regulations incorporated pursuant to this rule shall apply and shall take precedence.
- 104 AVAILABILITY OF INFORMATION:** Copies of 40 ~~C.F.R.~~CFR Part 72 (Permits Regulation), 40 ~~F.R.~~CFR Part 74 (Sulfur Dioxide Opt-Ins), 40 ~~C.F.R.~~CFR Part 75 (Continuous Emission Monitoring), and 40 ~~C.F.R.~~CFR 76 (Acid Rain Nitrogen Oxides Emission Reduction Program) and all accompanying appendices, adopted as of July 1, ~~2004~~2006, (and no future additions or amendments) incorporated by reference currently enforced by the Maricopa County Air Quality Department are available at 1001 North Central Avenue, ~~Suite 695,~~ Phoenix, Arizona 85004, or call (602) 506-6010 for information.

SECTION 200 - DEFINITIONS

See Rule 100 of these rules for definitions of terms that are used but not specifically defined in this rule.

SECTION 300 - STANDARDS

- 301 INCORPORATED SUBPARTS OF THE FEDERAL ACID RAIN REGULATIONS:** 40 ~~C.F.R.~~CFR Parts 72, 74, 75 and 76 and all accompanying appendices, adopted as of July 1, ~~2004~~2006, (and no future additions or amendments) are incorporated by reference as applicable requirements.

302 FEDERAL REGULATORY REVISIONS: The Maricopa County Board of Supervisors shall take action following promulgation by the Environmental Protection Agency (EPA) of regulations implementing Section 407 and Section 410 of the Clean Air Act (CAA), or revising either Part 72, 74, 75, and/or 76 of the regulations implementing Section 407 or Section 410 of the CAA, to either incorporate such new or revised provisions by reference or to submit, for the EPA approval, the Maricopa County Air Pollution Control ~~regulations~~Regulations implementing these provisions.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)

APPENDIX G
Incorporated Materials

1. The following test methods, ~~and protocols,~~ federal interpretations, guidelines, and appendices located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control ~~Rules and Regulations~~. These standards are incorporated by reference revised as of July 1, ~~2004~~2006, and no future editions or amendments.
 - a. 40 CFR 50;
 - b. 40 CFR 50, Appendices A through N;
 - c. 40 CFR 51, Appendix M, Appendix S, Section IV, and Appendix W;
 - d. 40 CFR 52, Appendices D and E;
 - e. 40 CFR 53;
 - f. 40 CFR 58;
 - g. 40 CFR 58, all appendices;
 - h. 40 CFR 60, all appendices;
 - i. 40 CFR 61, all appendices;
 - j. 40 CFR 63, all appendices;
 - k. 40 CFR 75, all appendices.

2. The following documents are incorporated by reference and are approved for use as directed by the Department under the Maricopa County Air Pollution Control ~~Rules and Regulations~~. These documents are incorporated by reference as of the year specified below, and no future editions or amendments.
 - a. The Arizona Department of Environmental Quality's (ADEQ) "Arizona Testing Manual for Air Pollutant Emissions," amended as of March 1992, and no future editions or amendments.
 - b. All American Society for Testing and Materials (ASTM) test methods referenced in the Maricopa County Air Pollution Control ~~Rules and Regulations~~ as of the year specified in the reference, and no future editions or amendments.
 - c. The U.S. Government Printing Office's "Standard Industrial Classification Manual, 1987", published by the Executive Office of the President, Office of Management and Budget, and no future editions or amendments.
 - d. EPA Publication No. AP-42, 1995, "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, Fifth Edition, including Supplements A, B, C, D, E, F, Updates 2001, 2002, 2003, and 2004 and all updates as of July 1, 2006, and no future editions or amendments.
 - e. EPA guidance document "Guidelines for Determining Capture Efficiency", January 9, 1995, and no future editions or amendments.
 - f. 2002 US NAICS Manual, "North American Industry Classification System - United States", National Technical Information Service, US Census Bureau, 2002, and no future editions or amendments.

3. The following federal regulations located in Title 40, Code of Federal Regulations (CFR) are approved for use as directed by the Department under the Maricopa County Air Pollution Control ~~Rules and~~ Regulations. These standards are incorporated by reference revised as of July 1, ~~2004~~2006, and no future editions or amendments.
- a. The Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A.
 - b. 40 CFR 75.

Availability of Information: Copies of these ~~standards~~incorporated materials are on file with the Maricopa County Air Quality Department and are available at 1001 ~~North~~N. Central Avenue~~Ave., Suite 695~~ Phoenix, Arizona, 85004, or call 602-506-6010 for information.